

111TH CONGRESS
1ST SESSION

S. 252

To amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care to veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2009

Mr. AKAKA (for himself, Mr. DURBIN, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care to veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Veterans Health Care Authorization Act of 2009”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 38, United States Code.

TITLE I—DEPARTMENT PERSONNEL MATTERS

- Sec. 101. Enhancement of authorities for retention of medical professionals.
- Sec. 102. Limitations on overtime duty, weekend duty, and alternative work schedules for nurses.
- Sec. 103. Improvements to certain educational assistance programs.
- Sec. 104. Standards for appointment and practice of physicians in Department of Veterans Affairs medical facilities.

TITLE II—HEALTH CARE MATTERS

- Sec. 201. Repeal of certain annual reporting requirements.
- Sec. 202. Modifications to annual Gulf War research report.
- Sec. 203. Payment for care furnished to CHAMPVA beneficiaries.
- Sec. 204. Payor provisions for care furnished to certain children of Vietnam veterans.
- Sec. 205. Disclosures from certain medical records.
- Sec. 206. Disclosure to Secretary of health-plan contract information and social security number of certain veterans receiving care.
- Sec. 207. Enhancement of quality management.
- Sec. 208. Reports on improvements to Department health care quality management.
- Sec. 209. Pilot program on training and certification for family caregiver personal care attendants for veterans and members of the Armed Forces with traumatic brain injury.
- Sec. 210. Pilot program on provision of respite care to members of the Armed Forces and veterans with traumatic brain injury by students in graduate programs of education related to mental health or rehabilitation.
- Sec. 211. Pilot program on use of community-based organizations and local and State government entities to ensure that veterans receive care and benefits for which they are eligible.
- Sec. 212. Specialized residential care and rehabilitation for certain veterans.
- Sec. 213. Authority to disclose medical records to third party for collection of charges for provision of certain care.
- Sec. 214. Expanded study on the health impact of Project Shipboard Hazard and Defense.
- Sec. 215. Use of non-Department facilities for rehabilitation of individuals with traumatic brain injury.
- Sec. 216. Inclusion of federally recognized tribal organizations in certain programs for State veterans homes.
- Sec. 217. Pilot program on provision of dental insurance plans to veterans and survivors and dependents of veterans.

TITLE III—WOMEN VETERANS HEALTH CARE

- Sec. 301. Report on barriers to receipt of health care for women veterans.
- Sec. 302. Plan to improve provision of health care services to women veterans.
- Sec. 303. Independent study on health consequences of women veterans of military service in Operation Iraqi Freedom and Operation Enduring Freedom.
- Sec. 304. Training and certification for mental health care providers on care for veterans suffering from sexual trauma.

- Sec. 305. Pilot program on counseling in retreat settings for women veterans newly separated from service in the Armed Forces.
- Sec. 306. Report on full-time women veterans program managers at medical centers.
- Sec. 307. Service on certain advisory committees of women recently separated from service in the Armed Forces.
- Sec. 308. Pilot program on subsidies for child care for certain veterans receiving health care.
- Sec. 309. Care for newborn children of women veterans receiving maternity care.

TITLE IV—MENTAL HEALTH CARE

- Sec. 401. Eligibility of members of the Armed Forces who serve in Operation Iraqi Freedom or Operation Enduring Freedom for counseling and services through Readjustment Counseling Service.
- Sec. 402. Restoration of authority of Readjustment Counseling Service to provide referral and other assistance upon request to former members of the Armed Forces not authorized counseling.
- Sec. 403. Study on suicides among veterans.
- Sec. 404. Transfer of funds to Secretary of Health and Human Services for Graduate Psychology Education program.

TITLE V—HOMELESS VETERANS

- Sec. 501. Pilot program on financial support for entities that coordinate the provision of supportive services to formerly homeless veterans residing on certain military property.
- Sec. 502. Pilot program on financial support of entities that coordinate the provision of supportive services to formerly homeless veterans residing in permanent housing.
- Sec. 503. Pilot program on financial support of entities that provide outreach to inform certain veterans about pension benefits.
- Sec. 504. Pilot program on financial support of entities that provide transportation assistance, child care assistance, and clothing assistance to veterans entitled to a rehabilitation program.
- Sec. 505. Assessment of pilot programs.

TITLE VI—NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

- Sec. 601. General authorities on establishment of corporations.
- Sec. 602. Clarification of purposes of corporations.
- Sec. 603. Modification of requirements for boards of directors of corporations.
- Sec. 604. Clarification of powers of corporations.
- Sec. 605. Redesignation of section 7364A of title 38, United States Code.
- Sec. 606. Improved accountability and oversight of corporations.

TITLE VII—MISCELLANEOUS PROVISIONS

- Sec. 701. Expansion of authority for Department of Veterans Affairs police officers.
- Sec. 702. Uniform allowance for Department of Veterans Affairs police officers.

1 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2 Except as otherwise expressly provided, whenever in
 3 this Act an amendment or repeal is expressed in terms
 4 of an amendment or repeal to a section or other provision,
 5 the reference shall be considered to be made to a section
 6 or other provision of title 38, United States Code.

7 **TITLE I—DEPARTMENT**
 8 **PERSONNEL MATTERS**

9 **SEC. 101. ENHANCEMENT OF AUTHORITIES FOR RETEN-**
 10 **TION OF MEDICAL PROFESSIONALS.**

11 (a) SECRETARIAL AUTHORITY TO EXTEND TITLE 38
 12 STATUS TO ADDITIONAL POSITIONS.—

13 (1) IN GENERAL.—Paragraph (3) of section
 14 7401 is amended by striking “and blind rehabilita-
 15 tion outpatient specialists.” and inserting the fol-
 16 lowing: “blind rehabilitation outpatient specialists,
 17 and such other classes of health care occupations as
 18 the Secretary considers necessary for the recruit-
 19 ment and retention needs of the Department subject
 20 to the following requirements:

21 “(A) Not later than 45 days before the
 22 Secretary appoints any personnel for a class of
 23 health care occupations that is not specifically
 24 listed in this paragraph, the Secretary shall
 25 submit to the Committee on Veterans’ Affairs
 26 of the Senate, the Committee on Veterans’ Af-

1 fairs of the House of Representatives, and the
 2 Office of Management and Budget notice of
 3 such appointment.

4 “(B) Before submitting notice under sub-
 5 paragraph (A), the Secretary shall solicit com-
 6 ments from any labor organization representing
 7 employees in such class and include such com-
 8 ments in such notice.”.

9 (2) APPOINTMENT OF NURSE ASSISTANTS.—

10 Such paragraph is further amended by inserting
 11 “nurse assistants,” after “licensed practical or voca-
 12 tional nurses,”.

13 (b) PROBATIONARY PERIODS FOR REGISTERED
 14 NURSES.—Section 7403(b) is amended—

15 (1) in paragraph (1), by striking “Appoint-
 16 ments” and inserting “Except as otherwise provided
 17 in this subsection, appointments”;

18 (2) by redesignating paragraph (2) as para-
 19 graph (4); and

20 (3) by inserting after paragraph (1) the fol-
 21 lowing new paragraphs:

22 “(2) An appointment of a registered nurse under this
 23 chapter, whether on a full-time basis or a part-time basis,
 24 shall be for a probationary period ending upon the comple-
 25 tion by the person so appointed of a number of hours of

1 work pursuant to such appointment that the Secretary
 2 considers appropriate for such appointment but not more
 3 than 4,180 hours.

4 “(3) An appointment described in subsection (a) on
 5 a part-time basis of a person who has previously served
 6 on a full-time basis for the probationary period for the
 7 position concerned shall be without a probationary pe-
 8 riod.”.

9 (c) PROHIBITION ON TEMPORARY PART-TIME REG-
 10 ISTERED NURSE APPOINTMENTS IN EXCESS OF 4,180
 11 HOURS.—Section 7405 is amended by adding at the end
 12 the following new subsection:

13 “(g)(1) Employment of a registered nurse on a tem-
 14 porary part-time basis under subsection (a)(1) shall be for
 15 a probationary period ending upon the completion by the
 16 person so employed of a number of hours of work pursuant
 17 to such employment that the Secretary considers appro-
 18 priate for such employment but not more than 4,180
 19 hours.

20 “(2) Upon completion by a registered nurse of the
 21 probationary period described in paragraph (1)—

22 “(A) the employment of such nurse shall—

23 “(i) no longer be considered temporary;

24 and

1 “(ii) be considered an appointment de-
 2 scribed in section 7403(a) of this title; and

3 “(B) the nurse shall be considered to have
 4 served the probationary period required by section
 5 7403(b).”.

6 (d) WAIVER OF OFFSET FROM PAY FOR CERTAIN
 7 REEMPLOYED ANNUITANTS.—

8 (1) IN GENERAL.—Section 7405, as amended
 9 by subsection (c), is further amended by adding at
 10 the end the following new subsection:

11 “(h)(1) The Secretary may waive the application of
 12 sections 8344 and 8468 of title 5 (relating to annuities
 13 and pay on reemployment) or any other similar provision
 14 of law under a Government retirement system on a case-
 15 by-case basis for an annuitant reemployed on a temporary
 16 basis under the authority of subsection (a) in a position
 17 described under paragraph (1) of that subsection.

18 “(2) An annuitant to whom a waiver under para-
 19 graph (1) is in effect shall not be considered an employee
 20 for purposes of any Government retirement system.

21 “(3) An annuitant to whom a waiver under para-
 22 graph (1) is in effect shall be subject to the provisions
 23 of chapter 71 of title 5 (including all labor authority and
 24 labor representative collective bargaining agreements) ap-
 25 plicable to the position to which appointed.

1 “(4) In this subsection:

2 “(A) The term ‘annuitant’ means an annuitant
3 under a Government retirement system.

4 “(B) The term ‘employee’ has the meaning
5 under section 2105 of title 5.

6 “(C) The term ‘Government retirement system’
7 means a retirement system established by law for
8 employees of the Government of the United States.”.

9 (2) EFFECTIVE DATE.—The amendment made
10 by paragraph (1) shall take effect on the date that
11 is six months after the date of the enactment of this
12 Act, and shall apply to pay periods beginning on or
13 after such effective date.

14 (e) RATE OF BASIC PAY FOR APPOINTEES TO THE
15 OFFICE OF THE UNDER SECRETARY FOR HEALTH SET
16 TO RATE OF BASIC PAY FOR SENIOR EXECUTIVE SERV-
17 ICE POSITIONS.—

18 (1) IN GENERAL.—Section 7404(a) is amend-
19 ed—

20 (A) by striking “The annual” and insert-
21 ing “(1) The annual”;

22 (B) by striking “The pay” and inserting
23 the following:

24 “(2) The pay”;

1 (C) by striking “under the preceding sen-
 2 tence” and inserting “under paragraph (1)”;
 3 and

4 (D) by adding at the end the following new
 5 paragraph:

6 “(3) The rate of basic pay for a position to which
 7 an Executive order applies under paragraph (1) and is not
 8 described by paragraph (2) shall be set in accordance with
 9 section 5382 of title 5 as if such position were a Senior
 10 Executive Service position (as such term is defined in sec-
 11 tion 3132(a) of title 5).”.

12 (2) EFFECTIVE DATE.—The amendments made
 13 by paragraph (1) shall take effect on the first day
 14 of the first pay period beginning after the day that
 15 is 180 days after the date of the enactment of this
 16 Act.

17 (f) COMPARABILITY PAY PROGRAM FOR APPOINTEES
 18 TO THE OFFICE OF THE UNDER SECRETARY FOR
 19 HEALTH.—Section 7410 is amended—

20 (1) by striking “The Secretary may” and in-
 21 serting “(a) IN GENERAL.—The Secretary may”;
 22 and

23 (2) by adding at the end the following new sub-
 24 section:

1 “(b) COMPARABILITY PAY FOR APPOINTEES TO THE
2 OFFICE OF THE UNDER SECRETARY FOR HEALTH.—(1)
3 The Secretary may authorize the Under Secretary for
4 Health to provide comparability pay of not more than
5 \$100,000 per year to individuals of the Veterans Health
6 Administration appointed under section 7306 of this title
7 who are not physicians or dentists and to individuals who
8 are appointed to Senior Executive Service positions (as
9 such term is defined in section 3132(a) of title 5) to
10 achieve annual pay levels for such individuals that are
11 comparable with annual pay levels of individuals with simi-
12 lar positions in the private sector.

13 “(2) Comparability pay under paragraph (1) for an
14 individual is in addition to all other pay, awards, and per-
15 formance bonuses paid to such individual under this title.

16 “(3) Except as provided in paragraph (4), com-
17 parability pay under paragraph (1) for an individual shall
18 be considered basic pay for all purposes, including retire-
19 ment benefits under chapters 83 and 84 of title 5, and
20 other benefits.

21 “(4) Comparability pay under paragraph (1) for an
22 individual shall not be considered basic pay for purposes
23 of adverse actions under subchapter V of this chapter.

24 “(5) Comparability pay under paragraph (1) may not
25 be awarded to an individual in an amount that would re-

1 sult in an aggregate amount of pay (including bonuses and
 2 awards) received by such individual in a year under this
 3 title that is greater than the annual pay of the Presi-
 4 dent.”.

5 (g) SPECIAL INCENTIVE PAY FOR DEPARTMENT
 6 PHARMACIST EXECUTIVES.—Section 7410, as amended
 7 by subsection (f) of this section, is further amended by
 8 adding at the end the following new subsection:

9 “(c) SPECIAL INCENTIVE PAY FOR DEPARTMENT
 10 PHARMACIST EXECUTIVES.—(1) In order to recruit and
 11 retain highly qualified Department pharmacist executives,
 12 the Secretary may authorize the Under Secretary for
 13 Health to pay special incentive pay of not more than
 14 \$40,000 per year to an individual of the Veterans Health
 15 Administration who is a pharmacist executive.

16 “(2) In determining whether and how much special
 17 pay to provide to such individual, the Under Secretary
 18 shall consider the following:

19 “(A) The grade and step of the position of the
 20 individual.

21 “(B) The scope and complexity of the position
 22 of the individual.

23 “(C) The personal qualifications of the indi-
 24 vidual.

1 “(D) The characteristics of the labor market
2 concerned.

3 “(E) Such other factors as the Secretary con-
4 siders appropriate.

5 “(3) Special incentive pay under paragraph (1) for
6 an individual is in addition to all other pay (including
7 basic pay) and allowances to which the individual is enti-
8 tled.

9 “(4) Except as provided in paragraph (5), special in-
10 centive pay under paragraph (1) for an individual shall
11 be considered basic pay for all purposes, including retire-
12 ment benefits under chapters 83 and 84 of title 5, and
13 other benefits.

14 “(5) Special incentive pay under paragraph (1) for
15 an individual shall not be considered basic pay for pur-
16 poses of adverse actions under subchapter V of this chap-
17 ter.

18 “(6) Special incentive pay under paragraph (1) may
19 not be awarded to an individual in an amount that would
20 result in an aggregate amount of pay (including bonuses
21 and awards) received by such individual in a year under
22 this title that is greater than the annual pay of the Presi-
23 dent.”.

24 (h) PAY FOR PHYSICIANS AND DENTISTS.—

1 (1) NON-FOREIGN COST OF LIVING ADJUST-
 2 MENT ALLOWANCE.—Section 7431(b) is amended by
 3 adding at the end the following new paragraph:

4 “(5) The non-foreign cost of living adjustment
 5 allowance authorized under section 5941 of title 5
 6 for physicians and dentists whose pay is set under
 7 this section shall be determined as a percentage of
 8 base pay only.”.

9 (2) MARKET PAY DETERMINATIONS FOR PHYSI-
 10 CIANS AND DENTISTS IN ADMINISTRATIVE OR EXEC-
 11 UTIVE LEADERSHIP POSITIONS.—Section
 12 7431(c)(4)(B)(i) is amended by adding at the end
 13 the following: “The Secretary may exempt physi-
 14 cians and dentists occupying administrative or exec-
 15 utive leadership positions from the requirements of
 16 the previous sentence.”.

17 (3) EXCEPTION TO PROHIBITION ON REDUC-
 18 TION OF MARKET PAY.—Section 7431(c)(7) is
 19 amended by striking “concerned.” and inserting
 20 “concerned, unless there is a change in board certifi-
 21 cation or reduction of privileges.”.

22 (i) ADJUSTMENT OF PAY CAP FOR NURSES.—Sec-
 23 tion 7451(c)(2) is amended by striking “level V” and in-
 24 serting “level IV”.

1 (j) EXEMPTION FOR CERTIFIED REGISTERED NURSE
 2 ANESTHETISTS FROM LIMITATION ON AUTHORIZED COM-
 3 PETITIVE PAY.—Section 7451(c)(2) is further amended
 4 by adding at the end the following new sentence: “The
 5 maximum rate of basic pay for a grade for the position
 6 of certified registered nurse anesthetist pursuant to an ad-
 7 justment under subsection (d) may exceed the maximum
 8 rate otherwise provided in the preceding sentence.”.

9 (k) LOCALITY PAY SCALE COMPUTATIONS.—

10 (1) EDUCATION, TRAINING, AND SUPPORT FOR
 11 FACILITY DIRECTORS IN WAGE SURVEYS.—Section
 12 7451(d)(3) is amended by adding at the end the fol-
 13 lowing new subparagraph:

14 “(F) The Under Secretary for Health shall provide
 15 appropriate education, training, and support to directors
 16 of Department health care facilities in the conduct and
 17 use of surveys, including the use of third-party surveys,
 18 under this paragraph.”.

19 (2) INFORMATION ON METHODOLOGY USED IN
 20 WAGE SURVEYS.—Section 7451(e)(4) is amended—

21 (A) by redesignating subparagraph (D) as
 22 subparagraph (E); and

23 (B) by inserting after subparagraph (C)
 24 the following new subparagraph (D):

1 “(D) In any case in which the director conducts
 2 such a wage survey during the period covered by the
 3 report and makes adjustment in rates of basic pay
 4 applicable to one or more covered positions at the fa-
 5 cility, information on the methodology used in mak-
 6 ing such adjustment or adjustments.”.

7 (3) DISCLOSURE OF INFORMATION TO PERSONS
 8 IN COVERED POSITIONS.—Section 7451(e), as
 9 amended by paragraph (2) of this subsection, is fur-
 10 ther amended by adding at the end the following
 11 new paragraph:

12 “(6)(A) Upon the request of an individual described
 13 in subparagraph (B) for a report provided under para-
 14 graph (4) with respect to a Department health-care facil-
 15 ity, the Under Secretary for Health or the director of such
 16 facility shall provide to the individual the most current re-
 17 port for such facility provided under such paragraph.

18 “(B) An individual described in this subparagraph
 19 is—

20 “(i) an individual in a covered position at a De-
 21 partment health-care facility; or

22 “(ii) a representative of the labor organization
 23 representing that individual who is designated by
 24 that individual to make the request.”.

1 (l) INCREASED LIMITATION ON SPECIAL PAY FOR
 2 NURSE EXECUTIVES.—Section 7452(g)(2) is amended by
 3 striking “\$25,000” and inserting “\$100,000”.

4 (m) ELIGIBILITY OF PART-TIME NURSES FOR ADDI-
 5 TIONAL NURSE PAY.—

6 (1) IN GENERAL.—Section 7453 is amended—

7 (A) in subsection (a), by striking “a
 8 nurse” and inserting “a full-time nurse or part-
 9 time nurse”;

10 (B) in subsection (b)—

11 (i) in the first sentence—

12 (I) by striking “on a tour of
 13 duty”;

14 (II) by striking “service on such
 15 tour” and inserting “such service”;
 16 and

17 (III) by striking “of such tour”
 18 and inserting “of such service”; and

19 (ii) in the second sentence, by striking
 20 “of such tour” and inserting “of such serv-
 21 ice”;

22 (C) in subsection (c)—

23 (i) by striking “on a tour of duty”;
 24 and

- 1 (ii) by striking “service on such tour”
 2 and inserting “such service”; and
 3 (D) in subsection (e)—
 4 (i) in paragraph (1), by striking
 5 “eight hours in a day” and inserting
 6 “eight consecutive hours”; and
 7 (ii) in paragraph (5)(A), by striking
 8 “tour of duty” and inserting “period of
 9 service”.

10 (2) EXCLUSION OF APPLICATION OF ADDI-
 11 TIONAL NURSE PAY PROVISIONS TO CERTAIN ADDI-
 12 TIONAL EMPLOYEES.—Paragraph (3) of section
 13 7454(b) is amended to read as follows:

14 “(3) Employees appointed under section 7408 of this
 15 title performing service on a tour of duty, any part of
 16 which is within the period commencing at midnight Friday
 17 and ending at midnight Sunday, shall receive additional
 18 pay in addition to the rate of basic pay provided such em-
 19 ployees for each hour of service on such tour at a rate
 20 equal to 25 percent of such employee’s hourly rate of basic
 21 pay.”.

22 (n) EXEMPTION OF ADDITIONAL NURSE POSITIONS
 23 FROM LIMITATION ON INCREASE IN RATES OF BASIC
 24 PAY.—Section 7455(c)(1) is amended by inserting after
 25 “nurse anesthetists,” the following: “licensed practical

1 nurses, licensed vocational nurses, and nursing positions
 2 otherwise covered by title 5,”.

3 **SEC. 102. LIMITATIONS ON OVERTIME DUTY, WEEKEND**
 4 **DUTY, AND ALTERNATIVE WORK SCHEDULES**
 5 **FOR NURSES.**

6 (a) OVERTIME DUTY.—

7 (1) IN GENERAL.—Subchapter IV of chapter 74
 8 is amended by adding at the end the following new
 9 section:

10 **“§ 7459. Nursing staff: special rules for overtime duty**

11 “(a) LIMITATION.—Except as provided in subsection
 12 (c), the Secretary may not require nursing staff to work
 13 more than 40 hours (or 24 hours if such staff is covered
 14 under section 7456 of this title) in an administrative work
 15 week or more than eight consecutive hours (or 12 hours
 16 if such staff is covered under section 7456 or 7456A of
 17 this title).

18 “(b) VOLUNTARY OVERTIME.—(1) Nursing staff may
 19 on a voluntary basis elect to work hours otherwise prohib-
 20 ited by subsection (a).

21 “(2) The refusal of nursing staff to work hours pro-
 22 hibited by subsection (a) shall not be grounds to discrimi-
 23 nate (within the meaning of section 704(a) of the Civil
 24 Rights Act of 1964 (42 U.S.C. 2000e–3(a))) against the

1 staff, dismissal or discharge of the staff, or any other ad-
 2 verse personnel action against the staff.

3 “(c) OVERTIME UNDER EMERGENCY CIR-
 4 CUMSTANCES.—(1) Subject to paragraph (2), the Sec-
 5 retary may require nursing staff to work hours otherwise
 6 prohibited by subsection (a) if—

7 “(A) the work is a consequence of an emer-
 8 gency that could not have been reasonably antici-
 9 pated;

10 “(B) the emergency is non-recurring and is not
 11 caused by or aggravated by the inattention of the
 12 Secretary or lack of reasonable contingency planning
 13 by the Secretary;

14 “(C) the Secretary has exhausted all good faith,
 15 reasonable attempts to obtain voluntary workers;

16 “(D) the nurse staff have critical skills and ex-
 17 pertise that are required for the work; and

18 “(E) the work involves work for which the
 19 standard of care for a patient assignment requires
 20 continuity of care through completion of a case,
 21 treatment, or procedure.

22 “(2) Nursing staff may not be required to work hours
 23 under this subsection after the requirement for a direct
 24 role by the staff in responding to medical needs resulting
 25 from the emergency ends.

1 “(d) NURSING STAFF DEFINED.—In this section, the
2 term ‘nursing staff’ includes the following;

3 “(1) A registered nurse.

4 “(2) A licensed practical or vocational nurse.

5 “(3) A nurse assistant appointed under this
6 chapter or title 5.

7 “(4) Any other nurse position designated by the
8 Secretary for purposes of this section.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of chapter 74 is amended by
11 inserting after the item relating to section 7458 the
12 following new item:

“7459. Nursing staff: special rules for overtime duty.”.

13 (b) WEEKEND DUTY.—Section 7456 is amended—

14 (1) by striking subsection (c); and

15 (2) by redesignating subsection (d) as sub-
16 section (c).

17 (c) ALTERNATE WORK SCHEDULES.—

18 (1) IN GENERAL.—Section 7456A(b)(1)(A) is
19 amended by striking “three regularly scheduled” and
20 all that follows through the period at the end and
21 inserting “six regularly scheduled 12-hour periods of
22 service within a pay period shall be considered for all
23 purposes to have worked a full 80-hour pay period.”.

24 (2) CONFORMING AMENDMENTS.—Section
25 7456A(b) is amended—

1 (A) in the subsection heading, by striking
 2 “36/40” and inserting “72/80”;

3 (B) in paragraph (2)—

4 (i) in subparagraph (A), by striking
 5 “40-hour basic work week” and inserting
 6 “80-hour pay period”;

7 (ii) in subparagraph (B), by striking
 8 “regularly scheduled 36-hour tour of duty
 9 within the work week” and inserting
 10 “scheduled 72-hour period of service within
 11 the bi-weekly pay period”;

12 (iii) in subparagraph (C)—

13 (I) in clause (i), by striking “reg-
 14 ularly scheduled 36-hour tour of duty
 15 within an administrative work week”
 16 and inserting “scheduled 72-hour pe-
 17 riod of service within an administra-
 18 tive pay period”;

19 (II) in clause (ii), by striking
 20 “regularly scheduled 12-hour tour of
 21 duty” and inserting “scheduled 12-
 22 hour period of service”; and

23 (III) in clause (iii), by striking
 24 “regularly scheduled 36-hour tour of
 25 duty work week” and inserting

1 “scheduled 72-hour period of service
 2 pay period”; and
 3 (iv) in subparagraph (D), by striking
 4 “regularly scheduled 12-hour tour of duty”
 5 and inserting “scheduled 12-hour period of
 6 service”; and
 7 (C) in paragraph (3), by striking “regu-
 8 larly scheduled 12-hour tour of duty” and in-
 9 serting “scheduled 12-hour period of service”.

10 **SEC. 103. IMPROVEMENTS TO CERTAIN EDUCATIONAL AS-**
 11 **SISTANCE PROGRAMS.**

12 (a) REINSTATEMENT OF HEALTH PROFESSIONALS
 13 EDUCATIONAL ASSISTANCE SCHOLARSHIP PROGRAM.—

14 (1) IN GENERAL.—Section 7618 is amended by
 15 striking “December 31, 1998” and inserting “De-
 16 cember 31, 2014”.

17 (2) EXPANSION OF ELIGIBILITY REQUIRE-
 18 MENTS.—Section 7612(b)(2) is amended by striking
 19 “(under section” and all that follows through “or vo-
 20 cational nurse.” and inserting the following: “as an
 21 appointee under paragraph (1) or (3) of section
 22 7401 of this title.”.

23 (b) IMPROVEMENTS TO EDUCATION DEBT REDUC-
 24 TION PROGRAM.—

1 (1) INCLUSION OF EMPLOYEE RETENTION AS
 2 PURPOSE OF PROGRAM.—Section 7681(a)(2) is
 3 amended by inserting “and retention” after “recruit-
 4 ment” the first time it appears.

5 (2) ELIGIBILITY.—Section 7682 is amended—

6 (A) in subsection (a)(1), by striking “a re-
 7 cently appointed” and inserting “an”; and

8 (B) by striking subsection (c).

9 (3) MAXIMUM AMOUNTS OF ASSISTANCE.—Sec-
 10 tion 7683(d)(1) is amended—

11 (A) by striking “\$44,000” and inserting
 12 “\$60,000”; and

13 (B) by striking “\$10,000” and inserting
 14 “\$12,000”.

15 (c) LOAN REPAYMENT PROGRAM FOR CLINICAL RE-
 16 SEARCHERS FROM DISADVANTAGED BACKGROUNDS.—

17 (1) IN GENERAL.—The Secretary of Veterans
 18 Affairs may, in consultation with the Secretary of
 19 Health and Human Services, utilize the authorities
 20 available in section 487E of the Public Health Serv-
 21 ice Act (42 U.S.C. 288–5) for the repayment of the
 22 principal and interest of educational loans of appro-
 23 priately qualified health professionals who are from
 24 disadvantaged backgrounds in order to secure clin-

1 ical research by such professionals for the Veterans
2 Health Administration.

3 (2) LIMITATIONS.—The exercise by the Sec-
4 retary of Veterans Affairs of the authorities referred
5 to in paragraph (1) shall be subject to the conditions
6 and limitations specified in paragraphs (2) and (3)
7 of section 487E(a) of the Public Health Service Act
8 (42 U.S.C. 288–5(a)(2) and (3)).

9 (3) FUNDING.—Amounts for the repayment of
10 principal and interest of educational loans under this
11 subsection shall be derived from amounts available
12 to the Secretary of Veterans Affairs for the Veterans
13 Health Administration for Medical Services.

14 **SEC. 104. STANDARDS FOR APPOINTMENT AND PRACTICE**
15 **OF PHYSICIANS IN DEPARTMENT OF VET-**
16 **ERANS AFFAIRS MEDICAL FACILITIES.**

17 (a) STANDARDS.—

18 (1) IN GENERAL.—Subchapter I of chapter 74
19 is amended by inserting after section 7402 the fol-
20 lowing new section:

21 **“§ 7402A. Appointment and practice of physicians:**
22 **standards**

23 “(a) IN GENERAL.—The Secretary shall, acting
24 through the Under Secretary for Health, prescribe stand-
25 ards to be met by individuals in order to qualify for ap-

1 pointment in the Veterans Health Administration in the
2 position of physician and to practice as a physician in
3 medical facilities of the Administration. The standards
4 shall incorporate the requirements of this section.

5 “(b) DISCLOSURE OF CERTAIN INFORMATION BE-
6 FORE APPOINTMENT.—Each individual seeking appoint-
7 ment in the Veterans Health Administration in the posi-
8 tion of physician shall do the following:

9 “(1) Provide the Secretary a full and complete
10 explanation of the following:

11 “(A) Each lawsuit, civil action, or other
12 claim (whether open or closed) brought against
13 the individual for medical malpractice or neg-
14 ligence (other than a lawsuit, action, or claim
15 closed without any judgment against or pay-
16 ment by or on behalf of the individual).

17 “(B) Each payment made by or on behalf
18 of the individual to settle any lawsuit, action, or
19 claim covered by subparagraph (A).

20 “(C) Each investigation or disciplinary ac-
21 tion taken against the individual relating to the
22 individual’s performance as a physician.

23 “(2) Submit a written request and authoriza-
24 tion to the State licensing board of each State in
25 which the individual holds or has held a license to

1 practice medicine to disclose to the Secretary any in-
2 formation in the records of such State on the fol-
3 lowing:

4 “(A) Each lawsuit, civil action, or other
5 claim brought against the individual for medical
6 malpractice or negligence covered by paragraph
7 (1)(A) that occurred in such State.

8 “(B) Each payment made by or on behalf
9 of the individual to settle any lawsuit, action, or
10 claim covered by subparagraph (A).

11 “(C) Each medical malpractice judgment
12 against the individual by the courts or adminis-
13 trative agencies or bodies of such State.

14 “(D) Each disciplinary action taken or
15 under consideration against the individual by
16 an administrative agency or body of such State.

17 “(E) Any change in the status of the li-
18 cense to practice medicine issued the individual
19 by such State, including any voluntary or non-
20 disciplinary surrendering of such license by the
21 individual.

22 “(F) Any open investigation of the indi-
23 vidual by an administrative agency or body of
24 such State, or any outstanding allegation

1 against the individual before such an adminis-
2 trative agency or body.

3 “(G) Any written notification by the State
4 to the individual of potential termination of a li-
5 cense for cause or otherwise.

6 “(c) DISCLOSURE OF CERTAIN INFORMATION FOL-
7 LOWING APPOINTMENT.—(1) Each individual appointed
8 in the Veterans Health Administration in the position of
9 physician after the date of the enactment of this section
10 shall, as a condition of service under the appointment, dis-
11 close to the Secretary, not later than 30 days after the
12 occurrence of such event, the following:

13 “(A) A judgment against the individual for
14 medical malpractice or negligence.

15 “(B) A payment made by or on behalf of the
16 individual to settle any lawsuit, action, or claim dis-
17 closed under paragraph (1) or (2) of subsection (b).

18 “(C) Any disposition of or material change in a
19 matter disclosed under paragraph (1) or (2) of sub-
20 section (b).

21 “(2) Each individual appointed in the Veterans
22 Health Administration in the position of physician as of
23 the date of the enactment of this section shall do the fol-
24 lowing:

1 “(A) Not later than the end of the 60-day pe-
2 riod beginning on the date of the enactment of this
3 section and as a condition of service under the ap-
4 pointment after the end of that period, submit the
5 request and authorization described in subsection
6 (b)(2).

7 “(B) Agree, as a condition of service under the
8 appointment, to disclose to the Secretary, not later
9 than 30 days after the occurrence of such event, the
10 following:

11 “(i) A judgment against the individual for
12 medical malpractice or negligence.

13 “(ii) A payment made by or on behalf of
14 the individual to settle any lawsuit, action, or
15 claim disclosed pursuant to subparagraph (A)
16 or under this subparagraph.

17 “(iii) Any disposition of or material change
18 in a matter disclosed pursuant to subparagraph
19 (A) or under this subparagraph.

20 “(3) Each individual appointed in the Veterans
21 Health Administration in the position of physician shall,
22 as part of the biennial review of the performance of the
23 physician under the appointment, submit the request and
24 authorization described in subsection (b)(2). The require-

1 ment of this paragraph is in addition to the requirements
2 of paragraph (1) or (2), as applicable.

3 “(d) INVESTIGATION OF DISCLOSED MATTERS.—(1)
4 The Director of the Veterans Integrated Services Network
5 (VISN) in which an individual is seeking appointment in
6 the Veterans Health Administration in the position of phy-
7 sician shall perform an investigation (in such manner as
8 the standards required by this section shall specify) of
9 each matter disclosed under subsection (b) with respect
10 to the individual.

11 “(2) The Director of the Veterans Integrated Serv-
12 ices Network in which an individual is appointed in the
13 Veterans Health Administration in the position of physi-
14 cian shall perform an investigation (in a manner so speci-
15 fied) of each matter disclosed under subsection (c) with
16 respect to the individual.

17 “(3) The results of each investigation performed
18 under this subsection shall be fully documented.

19 “(e) APPROVAL OF APPOINTMENTS BY DIRECTORS
20 OF VISNS.—(1) An individual may not be appointed in
21 the Veterans Health Administration in the position of phy-
22 sician without the approval of the Director of the Veterans
23 Integrated Services Network in which the individual will
24 first serve under the appointment.

1 “(2) In approving the appointment under this sub-
 2 section of an individual for whom any matters have been
 3 disclosed under subsection (b), a Director shall—

4 “(A) certify in writing the completion of the
 5 performance of the investigation under subsection
 6 (d)(1) of each such matter, including the results of
 7 such investigation; and

8 “(B) provide a written justification why any
 9 matters raised in the course of such investigation do
 10 not disqualify the individual from appointment.

11 “(f) ENROLLMENT OF PHYSICIANS WITH PRACTICE
 12 PRIVILEGES IN PROACTIVE DISCLOSURE SERVICE.—Each
 13 medical facility of the Department at which physicians are
 14 extended the privileges of practice shall enroll each physi-
 15 cian extended such privileges in the Proactive Disclosure
 16 Service of the National Practitioner Data Bank.

17 “(g) ENCOURAGING HIRING OF PHYSICIANS WITH
 18 BOARD CERTIFICATION.—(1) The Secretary shall, for
 19 each performance contract with a Director of a Veterans
 20 Integrated Services Network (VISN), include in such con-
 21 tract a provision that encourages such director to hire
 22 physicians who are board eligible or board certified in the
 23 specialty in which the physicians will practice.

24 “(2) The Secretary may determine the nature and
 25 manner of the provision described in paragraph (1).”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
 2 tions at the beginning of chapter 74 is amended by
 3 inserting after the item relating to section 7402 the
 4 following new item:

“7402A. Appointment and practice of physicians: standards.”.

5 (b) EFFECTIVE DATE AND APPLICABILITY.—

6 (1) EFFECTIVE DATE.—Except as provided in
 7 paragraphs (2) and (3), the amendments made by
 8 subsection (a) shall take effect on the date of the en-
 9 actment of this Act.

10 (2) APPLICABILITY OF CERTAIN REQUIRE-
 11 MENTS TO PHYSICIANS PRACTICING ON EFFECTIVE
 12 DATE.—In the case of an individual appointed to the
 13 Veterans Health Administration in the position of
 14 physician as of the date of the enactment of this
 15 Act, the requirements of section 7402A(f) of title
 16 38, United States Code, as added by subsection (a)
 17 of this section, shall take effect on the date that is
 18 60 days after the date of the enactment of this Act.

19 (3) APPLICABILITY OF REQUIREMENTS RE-
 20 LATED TO HIRING OF PHYSICIANS WITH BOARD CER-
 21 TIFICATION.—The requirement of section 7402A(g)
 22 of such title, as added by subsection (a), shall begin
 23 with the first cycle of performance contracts for di-
 24 rectors of Veterans Integrated Services Networks be-
 25 ginning after the date of the enactment of this Act.

TITLE II—HEALTH CARE MATTERS

SEC. 201. REPEAL OF CERTAIN ANNUAL REPORTING RE- QUIREMENTS.

(a) NURSE PAY REPORT.—Section 7451 is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(b) LONG-TERM PLANNING REPORT.—

(1) IN GENERAL.—Section 8107 is repealed.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by striking the item relating to section 8107.

SEC. 202. MODIFICATIONS TO ANNUAL GULF WAR RE- SEARCH REPORT.

Section 707(c)(1) of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note) is amended by striking “Not later than March 1 of each year” and inserting “Not later than July 1, 2008, and July 1 of each of the five following years”.

SEC. 203. PAYMENT FOR CARE FURNISHED TO CHAMPVA BENEFICIARIES.

Section 1781 is amended at the end by adding the following new subsection:

1 “(e) Payment by the Secretary under this section on
 2 behalf of a covered beneficiary for medical care shall con-
 3 stitute payment in full and extinguish any liability on the
 4 part of the beneficiary for that care.”.

5 **SEC. 204. PAYOR PROVISIONS FOR CARE FURNISHED TO**
 6 **CERTAIN CHILDREN OF VIETNAM VETERANS.**

7 (a) CHILDREN OF VIETNAM VETERANS BORN WITH
 8 SPINA BIFIDA.—Section 1803 is amended—

9 (1) by redesignating subsection (c) as sub-
 10 section (d); and

11 (2) by inserting after subsection (b) the fol-
 12 lowing new subsection (c):

13 “(c) Where payment by the Secretary under this sec-
 14 tion is less than the amount of the charges billed, the
 15 health care provider or agent of the health care provider
 16 may seek payment for the difference between the amount
 17 billed and the amount paid by the Secretary from a re-
 18 sponsible third party to the extent that the provider or
 19 agent thereof would be eligible to receive payment for such
 20 care or services from such third party, but—

21 “(1) the health care provider or agent for the
 22 health care provider may not impose any additional
 23 charge on the beneficiary who received the medical
 24 care, or the family of such beneficiary, for any serv-

1 ice or item for which the Secretary has made pay-
 2 ment under this section;

3 “(2) the total amount of payment a provider or
 4 agent of the provider may receive for care and serv-
 5 ices furnished under this section may not exceed the
 6 amount billed to the Secretary; and

7 “(3) the Secretary, upon request, shall disclose
 8 to such third party information received for the pur-
 9 poses of carrying out this section.”.

10 (b) CHILDREN OF WOMEN VIETNAM VETERANS
 11 BORN WITH BIRTH DEFECTS.—Section 1813 is amend-
 12 ed—

13 (1) by redesignating subsection (c) as sub-
 14 section (d); and

15 (2) by inserting after subsection (b) the fol-
 16 lowing new subsection (c):

17 “(c) SEEKING PAYMENT FROM THIRD PARTIES.—
 18 Where payment by the Secretary under this section is less
 19 than the amount of the charges billed, the health care pro-
 20 vider or agent of the health care provider may seek pay-
 21 ment for the difference between the amount billed and the
 22 amount paid by the Secretary from a responsible third
 23 party to the extent that the health care provider or agent
 24 thereof would be eligible to receive payment for such care
 25 or services from such third party, but—

1 “(1) the health care provider or agent for the
 2 health care provider may not impose any additional
 3 charge on the beneficiary who received medical care,
 4 or the family of such beneficiary, for any service or
 5 item for which the Secretary has made payment
 6 under this section;

7 “(2) the total amount of payment a provider or
 8 agent of the provider may receive for care and serv-
 9 ices furnished under this section may not exceed the
 10 amount billed to the Secretary; and

11 “(3) the Secretary, upon request, shall disclose
 12 to such third party information received for the pur-
 13 poses of carrying out this section.”.

14 **SEC. 205. DISCLOSURES FROM CERTAIN MEDICAL**
 15 **RECORDS.**

16 Section 7332(b)(2) is amended by adding at the end
 17 the following new subparagraph:

18 “(F)(i) To a representative of a patient who
 19 lacks decision-making capacity, when a practitioner
 20 deems the content of the given record necessary for
 21 that representative to make an informed decision re-
 22 garding the patient’s treatment.

23 “(ii) In this subparagraph, the term ‘represent-
 24 ative’ means an individual, organization, or other
 25 body authorized under section 7331 of this title and

1 its implementing regulations to give informed con-
 2 sent on behalf of a patient who lacks decision-mak-
 3 ing capacity.”.

4 **SEC. 206. DISCLOSURE TO SECRETARY OF HEALTH-PLAN**
 5 **CONTRACT INFORMATION AND SOCIAL SECU-**
 6 **RITY NUMBER OF CERTAIN VETERANS RE-**
 7 **CEIVING CARE.**

8 (a) IN GENERAL.—Subchapter I of chapter 17 is
 9 amended by adding at the end the following new section:

10 **“§ 1709. Disclosure to Secretary of health-plan con-**
 11 **tract information and social security**
 12 **number of certain veterans receiving**
 13 **care**

14 “(a) REQUIRED DISCLOSURE OF HEALTH-PLAN
 15 CONTRACTS.—(1) Any individual who applies for or is in
 16 receipt of care described in paragraph (2) shall, at the
 17 time of such application, or otherwise when requested by
 18 the Secretary, submit to the Secretary such current infor-
 19 mation as the Secretary may require to identify any
 20 health-plan contract (as defined in section 1729(i) of this
 21 title) under which such individual is covered, to include,
 22 as applicable—

23 “(A) the name, address, and telephone number
 24 of such health-plan contract;

1 “(B) the name of the individual’s spouse, if the
2 individual’s coverage is under the spouse’s health-
3 plan contract;

4 “(C) the plan number; and

5 “(D) the plan’s group code.

6 “(2) The care described in this paragraph is—

7 “(A) hospital, nursing home, or domiciliary
8 care;

9 “(B) medical, rehabilitative, or preventive
10 health services; or

11 “(C) other medical care under laws adminis-
12 tered by the Secretary.

13 “(b) REQUIRED DISCLOSURE OF SOCIAL SECURITY
14 NUMBER.—(1) Any individual who applies for or is in re-
15 ceipt of care described in paragraph (2) shall, at the time
16 of such application, or otherwise when requested by the
17 Secretary, submit to the Secretary—

18 “(A) the individual’s social security number;
19 and

20 “(B) the social security number of any depend-
21 ent or Department beneficiary on whose behalf, or
22 based upon whom, such individual applies for or is
23 in receipt of such care.

24 “(2) The care described in this paragraph is—

1 “(A) hospital, nursing home, or domiciliary
2 care;

3 “(B) medical, rehabilitative, or preventive
4 health services; or

5 “(C) other medical care under laws adminis-
6 tered by the Secretary.

7 “(3) This subsection does not require an individual
8 to furnish the Secretary with a social security number for
9 any individual to whom a social security number has not
10 been assigned.

11 “(c) FAILURE TO DISCLOSE SOCIAL SECURITY NUM-
12 BER.—(1) The Secretary shall deny an individual’s appli-
13 cation for, or may terminate an individual’s enrollment in,
14 the system of patient enrollment established by the Sec-
15 retary under section 1705 of this title, if such individual
16 does not provide the social security number required or
17 requested to be submitted pursuant to subsection (b).

18 “(2) Following a denial or termination under para-
19 graph (1) with respect to an individual, the Secretary may,
20 upon receipt of the information required or requested
21 under subsection (b), approve such individual’s application
22 or reinstate such individual’s enrollment (if otherwise in
23 order), for such medical care and services provided on and
24 after the date of such receipt of information.

1 “(d) CONSTRUCTION.—Nothing in this section shall
 2 be construed as authority to deny medical care and treat-
 3 ment to an individual in a medical emergency.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
 5 at the beginning of such chapter 17 is amended by insert-
 6 ing after the item relating to section 1708 the following
 7 new item:

“1709. Disclosure to Secretary of health-plan contract information and social se-
 curity number of certain veterans receiving care.”.

8 **SEC. 207. ENHANCEMENT OF QUALITY MANAGEMENT.**

9 (a) ENHANCEMENT OF QUALITY MANAGEMENT
 10 THROUGH QUALITY MANAGEMENT OFFICERS.—

11 (1) IN GENERAL.—Subchapter II of chapter 73
 12 is amended by inserting after section 7311 the fol-
 13 lowing new section:

14 **“§ 7311A. Quality management officers**

15 “(a) NATIONAL QUALITY MANAGEMENT OFFICER.—
 16 (1) The Under Secretary for Health shall designate an of-
 17 ficial of the Veterans Health Administration to act as the
 18 principal quality management officer for the quality-assur-
 19 ance program required by section 7311 of this title. The
 20 official so designated may be known as the ‘National Qual-
 21 ity Management Officer of the Veterans Health Adminis-
 22 tration’ (in this section referred to as the ‘National Qual-
 23 ity Management Officer’).

1 “(2) The National Quality Management Officer shall
2 report directly to the Under Secretary for Health in the
3 discharge of responsibilities and duties of the Officer
4 under this section.

5 “(3) The National Quality Management Officer shall
6 be the official within the Veterans Health Administration
7 who is principally responsible for the quality-assurance
8 program referred to in paragraph (1). In carrying out that
9 responsibility, the Officer shall be responsible for the fol-
10 lowing:

11 “(A) Establishing and enforcing the require-
12 ments of the program referred to in paragraph (1).

13 “(B) Developing an aggregate quality metric
14 from existing data sources, such as the Inpatient
15 Evaluation Center of the Department, the National
16 Surgical Quality Improvement Program of the
17 American College of Surgeons, and the External
18 Peer Review Program of the Veterans Health Ad-
19 ministration, that could be used to assess reliably
20 the quality of care provided at individual Depart-
21 ment medical centers and associated community
22 based outpatient clinics.

23 “(C) Ensuring that existing measures of qual-
24 ity, including measures from the Inpatient Evalua-
25 tion Center, the National Surgical Quality Improve-

1 ment Program, System-Wide Ongoing Assessment
 2 and Review reports of the Department, and Com-
 3 bined Assessment Program reviews of the Office of
 4 Inspector General of the Department, are monitored
 5 routinely and analyzed in a manner that ensures the
 6 timely detection of quality of care issues.

7 “(D) Encouraging research and development in
 8 the area of quality metrics for the purposes of im-
 9 proving how the Department measures quality in in-
 10 dividual facilities.

11 “(E) Carrying out such other responsibilities
 12 and duties relating to quality management in the
 13 Veterans Health Administration as the Under Sec-
 14 retary for Health shall specify.

15 “(4) The requirements under paragraph (3) shall in-
 16 clude requirements regarding the following:

17 “(A) A confidential system for the submittal of
 18 reports by Veterans Health Administration per-
 19 sonnel regarding quality management at Department
 20 facilities.

21 “(B) Mechanisms for the peer review of the ac-
 22 tions of individuals appointed in the Veterans Health
 23 Administration in the position of physician.

24 “(b) QUALITY MANAGEMENT OFFICERS FOR
 25 VISNs.—(1) The Regional Director of each Veterans In-

1 tegrated Services Network (VISN) shall appoint an official
 2 of the Network to act as the quality management officer
 3 of the Network.

4 “(2) The quality management officer for a Veterans
 5 Integrated Services Network shall report to the Regional
 6 Director of the Veterans Integrated Services Network, and
 7 to the National Quality Management Officer, regarding
 8 the discharge of the responsibilities and duties of the offi-
 9 cer under this section.

10 “(3) The quality management officer for a Veterans
 11 Integrated Services Network shall—

12 “(A) direct the quality management office in
 13 the Network; and

14 “(B) coordinate, monitor, and oversee the qual-
 15 ity management programs and activities of the Ad-
 16 ministration medical facilities in the Network in
 17 order to ensure the thorough and uniform discharge
 18 of quality management requirements under such
 19 programs and activities throughout such facilities.

20 “(c) QUALITY MANAGEMENT OFFICERS FOR MED-
 21 ICAL FACILITIES.—(1) The director of each Veterans
 22 Health Administration medical facility shall appoint a
 23 quality management officer for that facility.

24 “(2) The quality management officer for a facility
 25 shall report directly to the director of the facility, and to

1 the quality management officer of the Veterans Integrated
 2 Services Network in which the facility is located, regarding
 3 the discharge of the responsibilities and duties of the qual-
 4 ity management officer under this section.

5 “(3) The quality management officer for a facility
 6 shall be responsible for designing, disseminating, and im-
 7 plementing quality management programs and activities
 8 for the facility that meet the requirements established by
 9 the National Quality Management Officer under sub-
 10 section (a).

11 “(d) AUTHORIZATION OF APPROPRIATIONS.—(1) Ex-
 12 cept as provided in paragraph (2), there are authorized
 13 to be appropriated such sums as may be necessary to carry
 14 out this section.

15 “(2) There are authorized to be appropriated to carry
 16 out the provisions of subparagraphs (B), (C), and (D) of
 17 subsection (a)(3), \$25,000,000 for the two-year period of
 18 fiscal years beginning after the date of the enactment of
 19 this section.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
 21 tions at the beginning of chapter 73 is amended by
 22 inserting after the item relating to section 7311 the
 23 following new item:

“7311A. Quality management officers.”.

1 (b) REPORTS ON QUALITY CONCERNS UNDER QUAL-
 2 ITY-ASSURANCE PROGRAM.—Section 7311(b) is amended
 3 by adding at the end the following new paragraph:

4 “(4) As part of the quality-assurance program, the
 5 Under Secretary for Health shall establish mechanisms
 6 through which employees of Veterans Health Administra-
 7 tion facilities may submit reports, on a confidential basis,
 8 on matters relating to quality of care in Veterans Health
 9 Administration facilities to the quality management offi-
 10 cers of such facilities under section 7311A(b) of this title.
 11 The mechanisms shall provide for the prompt and thor-
 12 ough review of any reports so submitted by the receiving
 13 officials.”.

14 (c) REVIEW OF CURRENT HEALTH CARE QUALITY
 15 SAFEGUARDS.—

16 (1) IN GENERAL.—The Secretary of Veterans
 17 Affairs shall conduct a comprehensive review of all
 18 current policies and protocols of the Department of
 19 Veterans Affairs for maintaining health care quality
 20 and patient safety at Department medical facilities.
 21 The review shall include a review and assessment of
 22 the National Surgical Quality Improvement Program
 23 (NSQIP), including an assessment of—

24 (A) the efficacy of the quality indicators
 25 under the program;

1 (B) the efficacy of the data collection
2 methods under the program;

3 (C) the efficacy of the frequency with
4 which regular data analyses are performed
5 under the program; and

6 (D) the extent to which the resources allo-
7 cated to the program are adequate to fulfill the
8 stated function of the program.

9 (2) REPORT.—Not later than 60 days after the
10 date of the enactment of this Act, the Secretary
11 shall submit to Congress a report on the review con-
12 ducted under paragraph (1), including the findings
13 of the Secretary as a result of the review and such
14 recommendations as the Secretary considers appro-
15 priate in light of the review.

16 **SEC. 208. REPORTS ON IMPROVEMENTS TO DEPARTMENT**
17 **HEALTH CARE QUALITY MANAGEMENT.**

18 (a) REPORT.—Not later than December 15, 2009,
19 and each year thereafter through 2012, the Secretary of
20 Veterans Affairs shall submit to the congressional vet-
21 erans affairs committees a report on the implementation
22 of sections 104 and 207 of this Act and the amendments
23 made by such sections during the preceding fiscal year.
24 Each report shall include, for the fiscal year covered by
25 such report, the following:

1 (1) A comprehensive description of the imple-
 2 mentation of sections 104 and 207 of this Act and
 3 the amendments made by such sections.

4 (2) Such recommendations as the Secretary
 5 considers appropriate for legislative or administra-
 6 tive action to improve the authorities and require-
 7 ments in such sections and the amendments made
 8 by such sections or to otherwise improve the quality
 9 of health care and the quality of the physicians in
 10 the Veterans Health Administration.

11 (b) CONGRESSIONAL VETERANS AFFAIRS COMMIT-
 12 TEES DEFINED.—In this section, the term “congressional
 13 veterans affairs committees” means—

14 (1) the Committees on Veterans’ Affairs and
 15 Appropriations of the Senate; and

16 (2) the Committees on Veterans’ Affairs and
 17 Appropriations of the House of Representatives.

18 **SEC. 209. PILOT PROGRAM ON TRAINING AND CERTIFI-**
 19 **CATION FOR FAMILY CAREGIVER PERSONAL**
 20 **CARE ATTENDANTS FOR VETERANS AND**
 21 **MEMBERS OF THE ARMED FORCES WITH**
 22 **TRAUMATIC BRAIN INJURY.**

23 (a) PILOT PROGRAM AUTHORIZED.—The Secretary
 24 of Veterans Affairs shall, in collaboration with the Sec-
 25 retary of Defense, carry out a pilot program to assess the

1 feasibility and advisability of providing training and cer-
 2 tification for family caregivers of veterans and members
 3 of the Armed Forces with traumatic brain injury as per-
 4 sonal care attendants of such veterans and members.

5 (b) DURATION OF PROGRAM.—The pilot program re-
 6 quired by subsection (a) shall be carried out during the
 7 three-year period beginning on the date of the commence-
 8 ment of the pilot program.

9 (c) LOCATIONS.—

10 (1) IN GENERAL.—The pilot program under
 11 this section shall be carried out—

12 (A) in three medical facilities of the De-
 13 partment of Veterans Affairs; and

14 (B) if determined appropriate by the Sec-
 15 retary of Veterans Affairs and the Secretary of
 16 Defense, one medical facility of the Department
 17 of Defense.

18 (2) EMPHASIS ON POLYTRAUMA CENTERS.—In
 19 selecting the locations of the pilot program at facili-
 20 ties of the Department of Veterans Affairs, the Sec-
 21 retary of Veterans Affairs shall give special empha-
 22 sis to the polytrauma centers of the Department of
 23 Veterans Affairs designated as Tier I polytrauma
 24 centers.

25 (d) TRAINING CURRICULA.—

1 (1) IN GENERAL.—The Secretary of Veterans
 2 Affairs shall develop curricula for the training of
 3 personal care attendants under the pilot program
 4 under this section. Such curricula shall incor-
 5 porate—

6 (A) applicable standards and protocols uti-
 7 lized by certification programs of national brain
 8 injury care specialist organizations; and

9 (B) best practices recognized by caregiving
 10 organizations.

11 (2) USE OF EXISTING CURRICULA.—In devel-
 12 oping the curricula required by paragraph (1), the
 13 Secretary of Veterans Affairs shall, to the extent
 14 practicable, utilize and expand upon training cur-
 15 ricula developed pursuant to section 744(b) of the
 16 John Warner National Defense Authorization Act
 17 for Fiscal Year 2007 (Public Law 109–364; 120
 18 Stat. 2308).

19 (e) PARTICIPATION IN PROGRAMS.—

20 (1) IN GENERAL.—The Secretary of Veterans
 21 Affairs shall determine the eligibility of a family
 22 member of a veteran or member of the Armed
 23 Forces for participation in the pilot program under
 24 this section.

1 (2) BASIS FOR DETERMINATION.—A determina-
 2 tion made under paragraph (1) shall be based on the
 3 needs of the veteran or member of the Armed Forces
 4 concerned, as determined by the physician of such
 5 veteran or member.

6 (f) ELIGIBILITY FOR COMPENSATION.—A family
 7 caregiver of a veteran or member of the Armed Forces
 8 who receives certification as a personal care attendant
 9 under the pilot program under this section shall be eligible
 10 for compensation from the Department of Veterans Af-
 11 fairs for care provided to such veteran or member.

12 (g) COSTS OF TRAINING.—

13 (1) TRAINING OF FAMILIES OF VETERANS.—
 14 Any costs of training provided under the pilot pro-
 15 gram under this section for family members of vet-
 16 erans shall be borne by the Secretary of Veterans
 17 Affairs.

18 (2) TRAINING OF FAMILIES OF MEMBERS OF
 19 THE ARMED FORCES.—The Secretary of Defense
 20 shall reimburse the Secretary of Veterans Affairs for
 21 any costs of training provided under the pilot pro-
 22 gram for family members of members of the Armed
 23 Forces.

24 (h) ASSESSMENT OF FAMILY CAREGIVER NEEDS.—

1 (1) IN GENERAL.—The Secretary of Veterans
2 Affairs may provide to a family caregiver who re-
3 ceives training under the pilot program under this
4 section—

5 (A) an assessment of their needs with re-
6 spect to their role as a family caregiver; and

7 (B) a referral to services and support
8 that—

9 (i) are relevant to any needs identified
10 in such assessment; and

11 (ii) are provided in the community
12 where the family caregiver resides, includ-
13 ing such services and support provided by
14 community-based organizations, publicly
15 funded programs, and the Department of
16 Veterans Affairs.

17 (2) USE OF EXISTING TOOLS.—In developing
18 and administering an assessment under paragraph
19 (1), the Secretary shall, to the extent practicable,
20 use and expand upon caregiver assessment tools al-
21 ready developed and in use by the Department.

22 (i) REPORT.—Not later than 2 years after the date
23 of the enactment of this Act, the Secretary of Veterans
24 Affairs shall submit to Congress a report on the pilot pro-
25 gram carried out under this section, including the rec-

1 ommendations of the Secretary with respect to expansion
2 or modification of the pilot program.

3 (j) CONSTRUCTION.—Nothing in this section shall be
4 construed—

5 (1) to establish a mandate or right for a family
6 caregiver to be trained and certified under this sec-
7 tion; and

8 (2) to prohibit the Secretary from considering
9 or adopting the preference of a veteran or member
10 of the Armed Forces for services provided by a per-
11 sonal care attendant who is not a family caregiver.

12 (k) FAMILY CAREGIVER DEFINED.—In this section,
13 with respect to member of the Armed Forces or a veteran
14 with traumatic brain injury, the term “family caregiver”
15 means a family member of such member or veteran, or
16 such other individual of similar affinity to such member
17 or veteran as the Secretary proscribes, who is providing
18 care to such member or veteran for such traumatic brain
19 injury.

1 **SEC. 210. PILOT PROGRAM ON PROVISION OF RESPITE**
2 **CARE TO MEMBERS OF THE ARMED FORCES**
3 **AND VETERANS WITH TRAUMATIC BRAIN IN-**
4 **JURY BY STUDENTS IN GRADUATE PRO-**
5 **GRAMS OF EDUCATION RELATED TO MENTAL**
6 **HEALTH OR REHABILITATION.**

7 (a) PILOT PROGRAM AUTHORIZED.—The Secretary
8 of Veterans Affairs shall, in collaboration with the Sec-
9 retary of Defense, carry out a pilot program to assess the
10 feasibility and advisability of providing respite care to
11 members of the Armed Forces and veterans described in
12 subsection (c) through students enrolled in graduate pro-
13 grams of education described in subsection (d)(1) to pro-
14 vide—

15 (1) relief to the family caregivers of such mem-
16 bers and veterans from the responsibilities associ-
17 ated with providing care to such members and vet-
18 erans; and

19 (2) socialization and cognitive skill development
20 to such members and veterans.

21 (b) DURATION OF PROGRAM.—The pilot program re-
22 quired by subsection (a) shall be carried out during the
23 three-year period beginning on the date of the commence-
24 ment of the pilot program.

1 (c) COVERED MEMBERS AND VETERANS.—The mem-
2 bers of the Armed Forces and veterans described in this
3 subsection are the individuals as follows:

4 (1) Members of the Armed Forces who have
5 been diagnosed with traumatic brain injury, includ-
6 ing limitations of ambulatory mobility, cognition,
7 and verbal abilities.

8 (2) Veterans who have been so diagnosed.

9 (d) PROGRAM LOCATIONS.—

10 (1) IN GENERAL.—The pilot program shall be
11 carried out at not more than 10 locations selected by
12 the Secretary of Veterans Affairs for purposes of the
13 pilot program. Each location so selected shall be a
14 medical facility of the Department of Veterans Af-
15 fairs that is in close proximity to, or that has a rela-
16 tionship, affiliation, or established partnership with,
17 an institution of higher education that has a grad-
18 uate program in an appropriate mental health or re-
19 habilitation related field, such as social work, nurs-
20 ing, psychology, occupational therapy, physical ther-
21 apy, or interdisciplinary training programs.

22 (2) CONSIDERATIONS.—In selecting medical fa-
23 cilities of the Department for the pilot program, the
24 Secretary shall give special consideration to the fol-
25 lowing:

1 (A) The polytrauma centers of the Depart-
 2 ment designated as Tier I polytrauma centers.

3 (B) Facilities of the Department in regions
 4 with a high concentration of veterans with trau-
 5 matic brain injury.

6 (e) SCOPE OF ASSISTANCE.—

7 (1) USE OF GRADUATE STUDENTS.—In car-
 8 rying out the pilot program, the Secretary shall—

9 (A) recruit students enrolled in a graduate
 10 program of education selected by the Secretary
 11 under subsection (d)(1) to provide respite care
 12 to the members of the Armed Forces and vet-
 13 erans described in subsection (c);

14 (B) train such students to provide respite
 15 care to such members and veterans; and

16 (C) match such students with such mem-
 17 bers and veterans in the student's local area for
 18 the provision of individualized respite care to
 19 such members and veterans.

20 (2) DETERMINATIONS IN CONJUNCTION WITH
 21 HEADS OF GRADUATE PROGRAMS OF EDUCATION.—

22 The Secretary shall determine, in collaboration with
 23 the head of the graduate program of education cho-
 24 sen to participate in the pilot program under sub-
 25 section (d)(1), the following:

1 (A) The amount of training that a student
 2 shall complete before providing respite care
 3 under the pilot program.

4 (B) The number of hours of respite care to
 5 be provided by the students who participate in
 6 the pilot program.

7 (C) The requirements for successful par-
 8 ticipation by a student in the pilot program.

9 (f) TRAINING STANDARDS AND BEST PRACTICES.—
 10 In providing training under subsection (e)(1)(B), the Sec-
 11 retary shall use—

12 (1) applicable standards and protocols used by
 13 certification programs of national brain injury care
 14 specialist organizations in the provision of respite
 15 care training; and

16 (2) best practices recognized by caregiving or-
 17 ganizations.

18 (g) DEFINITIONS.—In this section:

19 (1) FAMILY CAREGIVER.—With respect to mem-
 20 ber of the Armed Forces or a veteran with traumatic
 21 brain injury, the term “family caregiver” means a
 22 relative, partner, or friend of such member or vet-
 23 eran who is providing care to such member or vet-
 24 eran for such traumatic brain injury.

1 (2) RESPITE CARE.—The term “respite care”
2 means the temporary provision of care to an indi-
3 vidual to provide relief to the regular caregiver of
4 the individual from the ongoing responsibility of pro-
5 viding care to such individual.

6 **SEC. 211. PILOT PROGRAM ON USE OF COMMUNITY-BASED**
7 **ORGANIZATIONS AND LOCAL AND STATE**
8 **GOVERNMENT ENTITIES TO ENSURE THAT**
9 **VETERANS RECEIVE CARE AND BENEFITS**
10 **FOR WHICH THEY ARE ELIGIBLE.**

11 (a) PILOT PROGRAM REQUIRED.—The Secretary of
12 Veterans Affairs shall carry out a pilot program to assess
13 the feasibility and advisability of using community-based
14 organizations and local and State government entities—

15 (1) to increase the coordination of community,
16 local, State, and Federal providers of health care
17 and benefits for veterans to assist veterans who are
18 transitioning from military service to civilian life in
19 such transition;

20 (2) to increase the availability of high quality
21 medical and mental health services to veterans
22 transitioning from military service to civilian life;

23 (3) to provide assistance to families of veterans
24 who are transitioning from military service to civil-

1 ian life to help such families adjust to such transi-
2 tion; and

3 (4) to provide outreach to veterans and their
4 families to inform them about the availability of ben-
5 efits and connect them with appropriate care and
6 benefit programs.

7 (b) DURATION OF PROGRAM.—The pilot program
8 shall be carried out during the two-year period beginning
9 on the date of the enactment of this Act.

10 (c) PROGRAM LOCATIONS.—

11 (1) IN GENERAL.—The pilot program shall be
12 carried out at five locations selected by the Secretary
13 for purposes of the pilot program.

14 (2) CONSIDERATIONS.—In selecting locations
15 for the pilot program, the Secretary shall consider
16 the advisability of selecting locations in—

17 (A) rural areas;

18 (B) areas with populations that have a
19 high proportion of minority group representa-
20 tion;

21 (C) areas with populations that have a
22 high proportion of individuals who have limited
23 access to health care; and

24 (D) areas that are not in close proximity
25 to an active duty military installation.

1 (d) GRANTS.—The Secretary shall carry out the pilot
2 program through the award of grants to community-based
3 organizations and local and State government entities.

4 (e) SELECTION OF GRANT RECIPIENTS.—

5 (1) IN GENERAL.—A community-based organi-
6 zation or local or State government entity seeking a
7 grant under the pilot program shall submit to the
8 Secretary of Veterans Affairs an application therefor
9 in such form and in such manner as the Secretary
10 considers appropriate.

11 (2) ELEMENTS.—Each application submitted
12 under paragraph (1) shall include the following:

13 (A) A description of how the proposal was
14 developed in consultation with the Department
15 of Veterans Affairs.

16 (B) A plan to coordinate activities under
17 the pilot program, to the greatest extent pos-
18 sible, with the local, State, and Federal pro-
19 viders of services for veterans to reduce duplica-
20 tion of services and to increase the effect of
21 such services.

22 (f) USE OF GRANT FUNDS.—The Secretary shall pre-
23 scribe appropriate uses of grant funds received under the
24 pilot program.

25 (g) REPORT ON PROGRAM.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the completion of the pilot program, the Sec-
3 retary shall submit to Congress a report on the pilot
4 program.

5 (2) ELEMENTS.—The report required by para-
6 graph (1) shall include the following:

7 (A) The findings and conclusions of the
8 Secretary with respect to the pilot program.

9 (B) An assessment of the benefits to vet-
10 erans of the pilot program.

11 (C) The recommendations of the Secretary
12 as to the advisability of continuing the pilot
13 program.

14 **SEC. 212. SPECIALIZED RESIDENTIAL CARE AND REHABILI-**
15 **TATION FOR CERTAIN VETERANS.**

16 Section 1720 is amended by adding at the end the
17 following new subsection:

18 “(g) The Secretary may contract with appropriate en-
19 tities to provide specialized residential care and rehabilita-
20 tion services to a veteran of Operation Enduring Freedom
21 or Operation Iraqi Freedom who the Secretary determines
22 suffers from a traumatic brain injury, has an accumula-
23 tion of deficits in activities of daily living and instrumental
24 activities of daily living, and because of these deficits,
25 would otherwise require admission to a nursing home even

1 though such care would generally exceed the veteran's
 2 nursing needs.”.

3 **SEC. 213. AUTHORITY TO DISCLOSE MEDICAL RECORDS TO**
 4 **THIRD PARTY FOR COLLECTION OF CHARGES**
 5 **FOR PROVISION OF CERTAIN CARE.**

6 (a) LIMITED EXCEPTION TO CONFIDENTIALITY OF
 7 MEDICAL RECORDS.—Section 5701 is amended by adding
 8 at the end the following new subsection:

9 “(l) Under regulations that the Secretary shall pre-
 10 scribe, the Secretary may disclose the name or address,
 11 or both, of any individual who is a present or former mem-
 12 ber of the Armed Forces, or who is a dependent of a
 13 present or former member of the Armed Forces, to a third
 14 party, as defined in section 1729(i)(3)(D) of this title, in
 15 order to enable the Secretary to collect reasonable charges
 16 under section 1729(a)(2)(E) of this title for care or serv-
 17 ices provided for a non-service-connected disability.”.

18 (b) DISCLOSURES FROM CERTAIN MEDICAL
 19 RECORDS.—Section 7332(b)(2), as amended by section
 20 205 of this Act, is further amended by adding at the end
 21 the following new subparagraph:

22 “(G) To a third party, as defined in section
 23 1729(i)(3)(D) of this title, to collect reasonable
 24 charges under section 1729(a)(2)(E) of this title for

1 care or services provided for a non-service-connected
2 disability.”.

3 **SEC. 214. EXPANDED STUDY ON THE HEALTH IMPACT OF**
4 **PROJECT SHIPBOARD HAZARD AND DE-**
5 **FENSE.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of the enactment of this Act, the Secretary of Vet-
8 erans Affairs shall enter into a contract with the Institute
9 of Medicine of the National Academies to conduct an ex-
10 panded study on the health impact of Project Shipboard
11 Hazard and Defense (Project SHAD).

12 (b) COVERED VETERANS.—The study required by
13 subsection (a) shall include, to the extent practicable, all
14 veterans who participated in Project Shipboard Hazard
15 and Defense.

16 (c) UTILIZATION OF EXISTING STUDIES.—The study
17 required by subsection (a) may use results from the study
18 covered in the report entitled “Long-Term Health Effects
19 of Participation in Project SHAD” of the Institute of
20 Medicine of the National Academies.

21 **SEC. 215. USE OF NON-DEPARTMENT FACILITIES FOR RE-**
22 **HABILITATION OF INDIVIDUALS WITH TRAU-**
23 **MATIC BRAIN INJURY.**

24 Section 1710E is amended—

1 (1) by redesignating subsection (b) as sub-
2 section (c);

3 (2) by inserting after subsection (a) the fol-
4 lowing new subsection (b):

5 “(b) COVERED INDIVIDUALS.—The care and services
6 provided under subsection (a) shall be made available to
7 an individual—

8 “(1) who is described in section 1710C(a) of
9 this title; and

10 “(2)(A) to whom the Secretary is unable to pro-
11 vide such treatment or services at the frequency or
12 for the duration prescribed in such plan; or

13 “(B) for whom the Secretary determines that it
14 is optimal with respect to the recovery and rehabili-
15 tation for such individual.”; and

16 (3) by adding at the end the following new sub-
17 section:

18 “(d) STANDARDS.—The Secretary may not provide
19 treatment or services as described in subsection (a) at a
20 non-Department facility under such subsection unless
21 such facility maintains standards for the provision of such
22 treatment or services established by an independent, peer-
23 reviewed organization that accredits specialized rehabilita-
24 tion programs for adults with traumatic brain injury.”.

1 **SEC. 216. INCLUSION OF FEDERALLY RECOGNIZED TRIBAL**
 2 **ORGANIZATIONS IN CERTAIN PROGRAMS FOR**
 3 **STATE VETERANS HOMES.**

4 (a) TREATMENT OF TRIBAL ORGANIZATION HEALTH
 5 FACILITIES AS STATE HOMES.—Section 8138 is amend-
 6 ed—

7 (1) by redesignating subsection (e) as sub-
 8 section (f); and

9 (2) by inserting after subsection (d) the fol-
 10 lowing new subsection (e):

11 “(e)(1) A health facility (or certain beds in a health
 12 facility) of a tribal organization is treatable as a State
 13 home under subsection (a) in accordance with the provi-
 14 sions of that subsection.

15 “(2) Except as provided in paragraph (3), the provi-
 16 sions of this section shall apply to a health facility (or cer-
 17 tain beds in such facility) treated as a State home under
 18 subsection (a) by reason of this subsection to the same
 19 extent as health facilities (or beds) treated as a State
 20 home under subsection (a).

21 “(3) Subsection (f) shall not apply to the treatment
 22 of health facilities (or certain beds in such facilities) of
 23 tribal organizations as a State home under subsection
 24 (a).”.

25 (b) STATE HOME FACILITIES FOR DOMICILIARY,
 26 NURSING, AND OTHER CARE.—

1 (1) IN GENERAL.—Chapter 81 is further
2 amended—

3 (A) in section 8131, by adding at the end
4 the following new paragraph:

5 “(5) The term ‘tribal organization’ has the
6 meaning given such term in section 3765 of this
7 title.”;

8 (B) in section 8132, by inserting “and
9 tribal organizations” after “the several States”;
10 and

11 (C) by inserting after section 8133 the fol-
12 lowing new section:

13 **“§ 8133A. Tribal organizations**

14 “(a) AUTHORITY TO AWARD GRANTS.—The Sec-
15 retary may award a grant to a tribal organization under
16 this subchapter in order to carry out the purposes of this
17 subchapter.

18 “(b) MANNER AND CONDITION OF GRANT
19 AWARDS.—(1) Grants to tribal organizations under this
20 section shall be awarded in the same manner, and under
21 the same conditions, as grants awarded to the several
22 States under the provisions of this subchapter, subject to
23 such exceptions as the Secretary shall prescribe for pur-
24 poses of this subchapter to take into account the unique
25 circumstances of tribal organizations.

1 “(2) For purposes of according priority under sub-
 2 section (c)(2) of section 8135 of this title to an application
 3 submitted under subsection (a) of such section, an applica-
 4 tion submitted under such subsection (a) by a tribal orga-
 5 nization of a State that has previously applied for award
 6 of a grant under this subchapter for construction or acqui-
 7 sition of a State nursing home shall be considered under
 8 subparagraph (C) of such subsection (c)(2) an application
 9 from a tribal organization that has not previously applied
 10 for such a grant.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
 12 tions at the beginning of chapter 81 is amended by
 13 inserting after the item relating to section 8133 the
 14 following new item:

“8133A. Tribal organizations.”.

15 **SEC. 217. PILOT PROGRAM ON PROVISION OF DENTAL IN-**
 16 **SURANCE PLANS TO VETERANS AND SUR-**
 17 **VIVORS AND DEPENDENTS OF VETERANS.**

18 (a) PILOT PROGRAM REQUIRED.—The Secretary of
 19 Veterans Affairs shall carry out a pilot program to assess
 20 the feasibility and advisability of providing a dental insur-
 21 ance plan to veterans and survivors and dependents of vet-
 22 erans described in subsection (b).

23 (b) COVERED VETERANS AND SURVIVORS AND DE-
 24 PENDENTS.—The veterans and survivors and dependents
 25 of veterans described in this subsection are as follows:

1 (1) Any veteran who is enrolled in the system
2 of annual patient enrollment under section 1705 of
3 this title.

4 (2) Any survivor or dependent of a veteran who
5 is eligible for medical care under section 1781 of
6 this title.

7 (c) DURATION OF PROGRAM.—The pilot program
8 shall be carried out during the three-year period beginning
9 on the date of the enactment of this Act.

10 (d) PILOT PROGRAM LOCATIONS.—The pilot pro-
11 gram shall be carried out in not less than two and not
12 more than four Veterans Integrated Services Networks
13 (VISNs) selected by the Secretary of Veterans Affairs for
14 purposes of the pilot program.

15 (e) ADMINISTRATION.—The Secretary of Veterans
16 Affairs shall contract with a dental insurer to administer
17 the dental plan provided under the pilot program.

18 (f) BENEFITS.—The dental insurance plan under the
19 pilot program shall provide such benefits for dental care
20 and treatment as the Secretary considers appropriate for
21 the dental insurance plan, including diagnostic services,
22 preventative services, endodontics and other restorative
23 services, surgical services, and emergency services.

24 (g) ENROLLMENT.—

1 (1) VOLUNTARY.—Enrollment in the dental in-
2 surance plan under this section shall be voluntary.

3 (2) MINIMUM PERIOD.—Enrollment in the den-
4 tal insurance plan shall be for such minimum period
5 as the Secretary shall prescribe for purposes of this
6 section.

7 (h) PREMIUMS.—

8 (1) IN GENERAL.—Premiums for coverage
9 under the dental insurance plan under the pilot pro-
10 gram shall be in such amount or amounts as the
11 Secretary of Veterans Affairs shall prescribe to cover
12 all costs associated with the pilot program.

13 (2) ANNUAL ADJUSTMENT.—The Secretary
14 shall adjust the premiums payable under the pilot
15 program for coverage under the dental insurance
16 plan on an annual basis. Each individual covered by
17 the dental insurance plan at the time of such an ad-
18 justment shall be notified of the amount and effec-
19 tive date of such adjustment.

20 (3) RESPONSIBILITY FOR PAYMENT.—Each in-
21 dividual covered by the dental insurance plan shall
22 pay the entire premium for coverage under the den-
23 tal insurance plan, in addition to the full cost of any
24 copayments.

25 (i) VOLUNTARY DISENROLLMENT.—

1 (1) IN GENERAL.—With respect to enrollment
2 in the dental insurance plan under the pilot pro-
3 gram, the Secretary shall—

4 (A) permit the voluntary disenrollment of
5 an individual in the dental insurance plan if the
6 disenrollment occurs during the 30-day period
7 beginning on the date of the enrollment of the
8 individual in the dental insurance plan; and

9 (B) permit the voluntary disenrollment of
10 an individual in the dental insurance plan for
11 such circumstances as the Secretary shall pre-
12 scribe for purposes of this subsection, but only
13 to the extent such disenrollment does not jeop-
14 ardize the fiscal integrity of the dental insur-
15 ance plan.

16 (2) ALLOWABLE CIRCUMSTANCES.—The cir-
17 cumstances prescribed under paragraph (1)(B) shall
18 include the following:

19 (A) If an individual enrolled in the dental
20 insurance plan relocates to a location outside
21 the jurisdiction of the dental insurance plan
22 that prevents utilization of the benefits under
23 the dental insurance plan.

24 (B) If an individual enrolled in the dental
25 insurance plan is prevented by a serious med-

1 ical condition from being able to obtain benefits
2 under the dental insurance plan.

3 (C) Such other circumstances as the Sec-
4 retary shall prescribe for purposes of this sub-
5 section.

6 (3) ESTABLISHMENT OF PROCEDURES.—The
7 Secretary shall establish procedures for determina-
8 tions on the permissibility of voluntary
9 disenrollments under paragraph (1)(B). Such proce-
10 dures shall ensure timely determinations on the per-
11 missibility of such disenrollments.

12 (j) RELATIONSHIP TO DENTAL CARE PROVIDED BY
13 SECRETARY.—Nothing in this section shall affect the re-
14 sponsibility of the Secretary to provide dental care under
15 section 1712 of title 38, United States Code, and the par-
16 ticipation of an individual in the dental insurance plan
17 under the pilot program shall not affect the individual's
18 entitlement to outpatient dental services and treatment,
19 and related dental appliances, under that section.

20 (k) REGULATIONS.—The dental insurance plan under
21 the pilot program shall be administered under such regula-
22 tions as the Secretary shall prescribe.

TITLE III—WOMEN VETERANS HEALTH CARE

SEC. 301. REPORT ON BARRIERS TO RECEIPT OF HEALTH CARE FOR WOMEN VETERANS.

(a) REPORT.—Not later than June 1, 2010, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the barriers to the receipt of comprehensive health care through the Department of Veterans Affairs that are encountered by women veterans, especially veterans of Operation Iraqi Freedom and Operation Enduring Freedom.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An identification and assessment of the following:

(A) Any stigma perceived or associated with seeking mental health care services through the Department of Veterans Affairs.

(B) The effect on access to care through the Department of driving distance or availability of other forms of transportation to the nearest appropriate facility of the Department.

(C) The availability of child care.

1 (D) The receipt of health care through
2 women's health clinics, integrated primary care
3 clinics, or both.

4 (E) The extent of comprehension of eligi-
5 bility requirements for health care through the
6 Department, and the scope of health care serv-
7 ices available through the Department.

8 (F) The quality and nature of the recep-
9 tion of women veterans by Department health
10 care providers and other staff.

11 (G) The perception of personal safety and
12 comfort of women veterans in inpatient, out-
13 patient, and behavioral health facilities of the
14 Department.

15 (H) The sensitivity of Department health
16 care providers and other staff to issues that
17 particularly affect women.

18 (I) The effectiveness of outreach on health
19 care services of the Department that are avail-
20 able to women veterans.

21 (J) Such other matters as the Secretary
22 identifies for purposes of the assessment.

23 (2) Such recommendations for administrative
24 and legislative action as the Secretary considers ap-
25 propriate in light of the report.

1 (c) FACILITY OF THE DEPARTMENT DEFINED.—In
 2 this section, the term “facility of the Department” has the
 3 meaning given that term in section 1701 of title 38,
 4 United States Code.

5 **SEC. 302. PLAN TO IMPROVE PROVISION OF HEALTH CARE**
 6 **SERVICES TO WOMEN VETERANS.**

7 (a) PLAN TO IMPROVE SERVICES.—

8 (1) IN GENERAL.—The Secretary of Veterans
 9 Affairs shall develop a plan—

10 (A) to improve the provision of health care
 11 services to women veterans; and

12 (B) to plan appropriately for the future
 13 health care needs, including mental health care
 14 needs, of women serving on active duty in the
 15 Armed Forces in the combat theaters of Oper-
 16 ation Iraqi Freedom and Operation Enduring
 17 Freedom.

18 (2) REQUIRED ACTIONS.—In developing the
 19 plan required by this subsection, the Secretary of
 20 Veterans Affairs shall—

21 (A) identify the types of health care serv-
 22 ices to be available to women veterans at each
 23 Department of Veterans Affairs medical center;
 24 and

1 (B) identify the personnel and other re-
2 sources required to provide such services to
3 women veterans under the plan at each such
4 medical center.

5 (b) SUBMITTAL OF PLAN TO CONGRESS.—Not later
6 than 18 months after the date of the enactment of this
7 Act, the Secretary of Veterans Affairs shall submit to the
8 Committee on Veterans' Affairs of the Senate and the
9 Committee on Veterans' Affairs of the House of Rep-
10 resentatives the plan required by this section, along with
11 such recommendations for administrative and legislative
12 action as the Secretary considers appropriate in light of
13 the plan.

14 **SEC. 303. INDEPENDENT STUDY ON HEALTH CON-**
15 **SEQUENCES OF WOMEN VETERANS OF MILI-**
16 **TARY SERVICE IN OPERATION IRAQI FREE-**
17 **DOM AND OPERATION ENDURING FREEDOM.**

18 (a) STUDY REQUIRED.—The Secretary of Veterans
19 Affairs shall enter into an agreement with a non-Depart-
20 ment of Veterans Affairs entity for the purpose of con-
21 ducting a study on health consequences for women vet-
22 erans of service on active duty in the Armed Forces in
23 deployment in Operation Iraqi Freedom and Operation
24 Enduring Freedom.

1 (b) SPECIFIC MATTERS STUDIED.—The study under
2 subsection (a) shall include the following:

3 (1) A determination of any association of envi-
4 ronmental and occupational exposures and combat in
5 Operation Iraqi Freedom or Operation Enduring
6 Freedom with the general health, mental health, or
7 reproductive health of women who served on active
8 duty in the Armed Forces in Operation Iraqi Free-
9 dom or Operation Enduring Freedom.

10 (2) A review and analysis of published lit-
11 erature on environmental and occupational exposures
12 of women while serving in the Armed Forces, includ-
13 ing combat trauma, military sexual trauma, and ex-
14 posure to potential teratogens associated with repro-
15 ductive problems and birth defects.

16 (c) REPORT.—

17 (1) IN GENERAL.—Not later than 18 months
18 after entering into the agreement for the study
19 under subsection (a), the entity described in sub-
20 section (a) shall submit to the Secretary of Veterans
21 Affairs and to Congress a report on the study con-
22 taining such findings and determinations as the enti-
23 ty considers appropriate.

24 (2) RESPONSIVE REPORT.—Not later than 90
25 days after the receipt of the report under paragraph

1 (1), the Secretary shall submit to Congress a report
 2 setting forth the response of the Secretary to the
 3 findings and determinations of the entity described
 4 in subsection (a) in the report under paragraph (1).

5 **SEC. 304. TRAINING AND CERTIFICATION FOR MENTAL**
 6 **HEALTH CARE PROVIDERS ON CARE FOR**
 7 **VETERANS SUFFERING FROM SEXUAL TRAU-**
 8 **MA.**

9 (a) PROGRAM REQUIRED.—Section 1720D is amend-
 10 ed—

11 (1) by redesignating subsection (d) as sub-
 12 section (f); and

13 (2) by inserting after subsection (c) the fol-
 14 lowing new subsections:

15 “(d)(1) The Secretary shall implement a program for
 16 education, training, certification, and continuing medical
 17 education for mental health professionals to specialize in
 18 the provision of counseling and care to veterans eligible
 19 for services under subsection (a). In carrying out the pro-
 20 gram, the Secretary shall ensure that all such mental
 21 health professionals have been trained in a consistent
 22 manner and that such training includes principles of evi-
 23 dence-based treatment and care for sexual trauma.

24 “(2) The Secretary shall determine the minimum
 25 qualifications necessary for mental health professionals

1 certified by the program under paragraph (1) to provide
2 evidence-based treatment and therapy to veterans eligible
3 for services under subsection (a) in facilities of the De-
4 partment.

5 “(e) The Secretary shall submit to Congress each
6 year a report on the counseling, care, and services pro-
7 vided to veterans under this section. Each report shall in-
8 clude data for the preceding year with respect to the fol-
9 lowing:

10 “(1) The number of mental health professionals
11 and primary care providers who have been certified
12 under the program under subsection (d), and the
13 amount and nature of continuing medical education
14 provided under such program to professionals and
15 providers who have been so certified.

16 “(2) The number of women veterans who re-
17 ceived counseling, care, and services under sub-
18 section (a) from professionals and providers who
19 have been trained or certified under the program
20 under subsection (d).

21 “(3) The number of training, certification, and
22 continuing medical education programs operating
23 under subsection (d).

24 “(4) The number of trained full-time equivalent
25 employees required in each facility of the Depart-

1 ment to meet the needs of veterans requiring treat-
2 ment and care for sexual trauma.

3 “(5) Such other information as the Secretary
4 considers appropriate.”.

5 (b) STANDARDS FOR PERSONNEL PROVIDING
6 TREATMENT FOR SEXUAL TRAUMA.—The Secretary of
7 Veterans Affairs shall establish education, training, cer-
8 tification, and staffing standards for Department of Vet-
9 erans Affairs health-care facilities for full-time equivalent
10 employees who are trained to provide treatment and care
11 to veterans for sexual trauma.

12 **SEC. 305. PILOT PROGRAM ON COUNSELING IN RETREAT**
13 **SETTINGS FOR WOMEN VETERANS NEWLY**
14 **SEPARATED FROM SERVICE IN THE ARMED**
15 **FORCES.**

16 (a) PILOT PROGRAM REQUIRED.—

17 (1) IN GENERAL.—Commencing not later than
18 180 days after the date of the enactment of this Act,
19 the Secretary of Veterans Affairs shall carry out,
20 through the Readjustment Counseling Service of the
21 Veterans Health Administration, a pilot program to
22 evaluate the feasibility and advisability of providing
23 reintegration and readjustment services described in
24 subsection (b) in group retreat settings to women

1 veterans who are recently separated from service in
2 the Armed Forces after a prolonged deployment.

3 (2) PARTICIPATION AT ELECTION OF VET-
4 ERAN.—The participation of a veteran in the pilot
5 program under this section shall be at the election
6 of the veteran.

7 (b) COVERED SERVICES.—The services provided to a
8 woman veteran under the pilot program shall include the
9 following:

10 (1) Information on reintegration into the vet-
11 eran's family, employment, and community.

12 (2) Financial counseling.

13 (3) Occupational counseling.

14 (4) Information and counseling on stress reduc-
15 tion.

16 (5) Information and counseling on conflict reso-
17 lution.

18 (6) Such other information and counseling as
19 the Secretary considers appropriate to assist a
20 woman veteran under the pilot program in reinte-
21 gration into the veteran's family and community.

22 (c) LOCATIONS.—The Secretary shall carry out the
23 pilot program at not fewer than five locations selected by
24 the Secretary for purposes of the pilot program.

1 (d) DURATION.—The pilot program shall be carried
2 out during the two-year period beginning on the date of
3 the commencement of the pilot program.

4 (e) REPORT.—Not later than 180 days after the com-
5 pletion of the pilot program, the Secretary shall submit
6 to Congress a report on the pilot program. The report
7 shall contain the findings and conclusions of the Secretary
8 as a result of the pilot program, and shall include such
9 recommendations for the continuation or expansion of the
10 pilot program as the Secretary considers appropriate.

11 (f) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Secretary of Vet-
13 erans Affairs for each of fiscal years 2010 and 2011,
14 \$2,000,000 to carry out the pilot program.

15 **SEC. 306. REPORT ON FULL-TIME WOMEN VETERANS PRO-**
16 **GRAM MANAGERS AT MEDICAL CENTERS.**

17 The Secretary shall, acting through the Under Sec-
18 retary for Health, submit to Congress a report on employ-
19 ment of full-time women veterans program managers at
20 Department of Veterans Affairs medical centers to ensure
21 that health care needs of women veterans are met. Such
22 report should include an assessment of whether there is
23 at least one full-time employee at each Department med-
24 ical center who is a full-time women veterans program
25 manager.

1 **SEC. 307. SERVICE ON CERTAIN ADVISORY COMMITTEES OF**
 2 **WOMEN RECENTLY SEPARATED FROM SERV-**
 3 **ICE IN THE ARMED FORCES.**

4 (a) ADVISORY COMMITTEE ON WOMEN VETERANS.—

5 Section 542(a)(2)(A) is amended—

6 (1) in clause (ii), by striking “and” at the end;

7 (2) in clause (iii), by striking the period at the
 8 end and inserting “; and”; and

9 (3) by inserting after clause (iii) the following
 10 new clause:

11 “(iv) women veterans who are recently sepa-
 12 rated from service in the Armed Forces.”.

13 (b) ADVISORY COMMITTEE ON MINORITY VET-
 14 ERANS.—Section 544(a)(2)(A) is amended—

15 (1) in clause (iii), by striking “and” at the end;

16 (2) in clause (iv), by striking the period at the
 17 end and inserting “; and”; and

18 (3) by inserting after clause (iv) the following
 19 new clause:

20 “(v) women veterans who are minority group
 21 members and are recently separated from service in
 22 the Armed Forces.”.

23 (c) EFFECTIVE DATE.—The amendments made by
 24 this section shall apply to appointments made on or after
 25 the date of the enactment of this Act.

1 **SEC. 308. PILOT PROGRAM ON SUBSIDIES FOR CHILD CARE**
2 **FOR CERTAIN VETERANS RECEIVING HEALTH**
3 **CARE.**

4 (a) PILOT PROGRAM REQUIRED.—The Secretary of
5 Veterans Affairs shall carry out a pilot program to assess
6 the feasibility and advisability of providing, subject to sub-
7 section (b), subsidies to qualified veterans described in
8 subsection (c) to obtain child care so that such veterans
9 can receive health care services described in such sub-
10 section.

11 (b) LIMITATION ON PERIOD OF PAYMENTS.—A sub-
12 sidy may only be provided to a qualified veteran under
13 the pilot program for receipt of child care during the pe-
14 riod that the qualified veteran—

15 (1) receives the types of health care services re-
16 ferred to in subsection (c) at a facility of the De-
17 partment; and

18 (2) requires to travel to and return from such
19 facility for the receipt of such health care services.

20 (c) QUALIFIED VETERANS.—In this section, the term
21 “qualified veteran” means a veteran who is the primary
22 caretaker of a child or children and who is receiving from
23 the Department one or more of the following health care
24 services:

25 (1) Regular mental health care services.

26 (2) Intensive mental health care services.

1 (3) Such other intensive health care services
2 that the Secretary determines that payment to the
3 veteran for the provision of child care would improve
4 access to those health care services by the veteran.

5 (d) LOCATIONS.—The Secretary shall carry out the
6 pilot program in no fewer than three Veterans Integrated
7 Service Networks (VISNs) selected by the Secretary for
8 purposes of the pilot program.

9 (e) DURATION.—The pilot program shall be carried
10 out during the two-year period beginning on the date of
11 the commencement of the pilot program.

12 (f) EXISTING MODEL.—To the extent practicable, the
13 Secretary shall model the pilot program after the Depart-
14 ment of Veterans Affairs Child Care Subsidy Program
15 that was established pursuant to section 630 of the Treas-
16 ury and General Government Appropriations Act, 2002
17 (Public Law 107–67; 115 Stat. 552), using the same in-
18 come eligibility standards and payment structure.

19 (g) REPORT.—Not later than six months after the
20 completion of the pilot program, the Secretary shall sub-
21 mit to Congress a report on the pilot program. The report
22 shall include the findings and conclusions of the Secretary
23 as a result of the pilot program, and shall include such
24 recommendations for the continuation or expansion of the
25 pilot program as the Secretary considers appropriate.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to the Secretary of Vet-
 3 erans Affairs for each of fiscal years 2010 and 2011,
 4 \$1,500,000 to carry out the pilot program.

5 **SEC. 309. CARE FOR NEWBORN CHILDREN OF WOMEN VET-**
 6 **ERANS RECEIVING MATERNITY CARE.**

7 (a) IN GENERAL.—Subchapter VIII of chapter 17 is
 8 amended by adding at the end the following new section:

9 **“SEC. 1786. CARE FOR NEWBORN CHILDREN OF WOMEN**
 10 **VETERANS RECEIVING MATERNITY CARE.**

11 “(a) IN GENERAL.—The Secretary may furnish
 12 health care services described in subsection (b) to a new-
 13 born child of a woman veteran who is receiving maternity
 14 care furnished by the Department for not more than 7
 15 days after the birth of the child if the veteran delivered
 16 the child in—

17 “(1) a facility of the Department; or

18 “(2) another facility pursuant to a Department
 19 contract for services relating to such delivery.

20 “(b) COVERED HEALTH CARE SERVICES.—Health
 21 care services described in this subsection are all post-deliv-
 22 ery care services, including routine care services, that a
 23 newborn requires.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
 25 at the beginning of chapter 17 is amended by inserting

1 after the item relating to section 1785 the following new
 2 item:

“1786. Care for newborn children of women veterans receiving maternity care.”.

3 **TITLE IV—MENTAL HEALTH** 4 **CARE**

5 **SEC. 401. ELIGIBILITY OF MEMBERS OF THE ARMED**
 6 **FORCES WHO SERVE IN OPERATION IRAQI**
 7 **FREEDOM OR OPERATION ENDURING FREE-**
 8 **DOM FOR COUNSELING AND SERVICES**
 9 **THROUGH READJUSTMENT COUNSELING**
 10 **SERVICE.**

11 (a) IN GENERAL.—Any member of the Armed
 12 Forces, including a member of the National Guard or Re-
 13 serve, who serves on active duty in the Armed Forces in
 14 Operation Iraqi Freedom or Operation Enduring Freedom
 15 is eligible for readjustment counseling and related mental
 16 health services under section 1712A of title 38, United
 17 States Code, through the Readjustment Counseling Serv-
 18 ice of the Veterans Health Administration.

19 (b) NO REQUIREMENT FOR CURRENT ACTIVE DUTY
 20 SERVICE.—A member of the Armed Forces who meets the
 21 requirements for eligibility for counseling and services
 22 under subsection (a) is entitled to counseling and services
 23 under that subsection regardless of whether or not the
 24 member is currently on active duty in the Armed Forces

1 at the time of receipt of counseling and services under that
 2 subsection.

3 (c) REGULATIONS.—The eligibility of members of the
 4 Armed Forces for counseling and services under sub-
 5 section (a) shall be subject to such regulations as the Sec-
 6 retary of Defense and the Secretary of Veterans Affairs
 7 shall jointly prescribe for purposes of this section.

8 (d) SUBJECT TO AVAILABILITY OF APPROPRIA-
 9 TIONS.—The provision of counseling and services under
 10 subsection (a) shall be subject to the availability of appro-
 11 priations for such purpose.

12 **SEC. 402. RESTORATION OF AUTHORITY OF READJUST-**
 13 **MENT COUNSELING SERVICE TO PROVIDE**
 14 **REFERRAL AND OTHER ASSISTANCE UPON**
 15 **REQUEST TO FORMER MEMBERS OF THE**
 16 **ARMED FORCES NOT AUTHORIZED COUN-**
 17 **SELING.**

18 Section 1712A is amended—

19 (1) by redesignating subsections (c) through (f)
 20 as subsections (d) through (g), respectively; and

21 (2) by inserting after subsection (b) the fol-
 22 lowing new subsection (c):

23 “(c) Upon receipt of a request for counseling under
 24 this section from any individual who has been discharged
 25 or released from active military, naval, or air service but

1 who is not otherwise eligible for such counseling, the Sec-
 2 retary shall—

3 “(1) provide referral services to assist such in-
 4 dividual, to the maximum extent practicable, in ob-
 5 taining mental health care and services from sources
 6 outside the Department; and

7 “(2) if pertinent, advise such individual of such
 8 individual’s rights to apply to the appropriate mili-
 9 tary, naval, or air service, and to the Department,
 10 for review of such individual’s discharge or release
 11 from such service.”.

12 **SEC. 403. STUDY ON SUICIDES AMONG VETERANS.**

13 (a) **STUDY REQUIRED.**—The Secretary of Veterans
 14 Affairs shall conduct a study to determine the number of
 15 veterans who died by suicide between January 1, 1997,
 16 and the date of the enactment of this Act.

17 (b) **COORDINATION.**—In carrying out the study under
 18 subsection (b) the Secretary of Veterans Affairs shall co-
 19 ordinate with—

20 (1) the Secretary of Defense;

21 (2) Veterans Service Organizations;

22 (3) the Centers for Disease Control and Preven-
 23 tion; and

24 (4) State public health offices and veterans
 25 agencies.

1 (c) REPORT TO CONGRESS.—The Secretary of Vet-
 2 erans Affairs shall submit to the Committee on Veterans’
 3 Affairs of the Senate and the Committee on Veterans’ Af-
 4 fairs of the House of Representatives a report on the study
 5 required under subsection (b) and the findings of the Sec-
 6 retary.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 8 are authorized to be appropriated such sums as may be
 9 necessary to carry out this section.

10 **SEC. 404. TRANSFER OF FUNDS TO SECRETARY OF HEALTH**
 11 **AND HUMAN SERVICES FOR GRADUATE PSY-**
 12 **CHOLOGY EDUCATION PROGRAM.**

13 (a) TRANSFER OF FUNDS.—Not later than Sep-
 14 tember 30, 2010, the Secretary of Veterans Affairs shall
 15 transfer \$5,000,000 from accounts of the Veterans Health
 16 Administration to the Secretary of Health and Human
 17 Services for the Graduate Psychology Education program
 18 established under section 755(b)(1)(J) of the Public
 19 Health Service Act (42 U.S.C. 294e(b)(1)(J)).

20 (b) USE OF FUNDS TRANSFERRED.—Funds trans-
 21 ferred under subsection (a) shall be used to award grants
 22 to support the training of psychologists in the treatment
 23 of veterans with post traumatic stress disorder, traumatic
 24 brain injury, and other combat-related disorders.

1 (c) PREFERENCE FOR DEPARTMENT OF VETERANS
 2 AFFAIRS HEALTH CARE FACILITIES.—In the awarding of
 3 grants under subsection (b), the Graduate Psychology
 4 Education program shall give preference to health care fa-
 5 cilities of the Department of Veterans Affairs and grad-
 6 uate programs of education that are affiliated with such
 7 facilities.

8 **TITLE V—HOMELESS VETERANS**

9 **SEC. 501. PILOT PROGRAM ON FINANCIAL SUPPORT FOR** 10 **ENTITIES THAT COORDINATE THE PROVI-** 11 **SION OF SUPPORTIVE SERVICES TO FOR-** 12 **MERLY HOMELESS VETERANS RESIDING ON** 13 **CERTAIN MILITARY PROPERTY.**

14 (a) ESTABLISHMENT.—

15 (1) IN GENERAL.—Subject to the availability of
 16 appropriations for such purpose, the Secretary of
 17 Veterans Affairs may carry out a pilot program to
 18 make grants to public and nonprofit organizations
 19 (including faith-based and community organizations)
 20 to coordinate the provision of supportive services
 21 available in the local community to very low income,
 22 formerly homeless veterans residing in permanent
 23 housing that is located on qualifying property de-
 24 scribed in subsection (b).

1 (2) NUMBER OF GRANTS.—The Secretary may
2 make grants at up to 10 qualifying properties under
3 the pilot program.

4 (b) QUALIFYING PROPERTY.—Qualifying property
5 under the pilot program is property that—

6 (1) was part of a military installation that was
7 closed in accordance with—

8 (A) decisions made as part of the 2005
9 round of defense base closure and realignment
10 under the Defense Base Closure and Realign-
11 ment Act of 1990 (part A of title XXIX of
12 Public Law 101–510; 10 U.S.C. 2687 note);
13 and

14 (B) subchapter III of chapter 5 of title 40,
15 United States Code; and

16 (2) the Secretary of Defense determines, after
17 considering any redevelopment plans of any local re-
18 development authority relating to such property,
19 may be used to assist the homeless in accordance
20 with such redevelopment plan.

21 (c) CRITERIA FOR GRANTS.—The Secretary shall
22 prescribe criteria and requirements for grants under this
23 section and shall publish such criteria and requirements
24 in the Federal Register.

1 (d) DURATION OF PROGRAM.—The authority of the
 2 Secretary to provide grants under a pilot program under
 3 this section shall cease on the date that is five years after
 4 the date of the commencement of the pilot program.

5 (e) VERY LOW INCOME DEFINED.—In this section,
 6 the term “very low income” has the meaning given that
 7 term in the Resident Characteristics Report issued annu-
 8 ally by the Department of Housing and Urban Develop-
 9 ment.

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
 11 authorized to be appropriated from amounts made avail-
 12 able under the heading “General Operating Expenses”,
 13 not more than \$3,000,000 in each of fiscal years 2010
 14 through 2014 to carry out the purposes of this section.

15 **SEC. 502. PILOT PROGRAM ON FINANCIAL SUPPORT OF EN-**
 16 **TITIES THAT COORDINATE THE PROVISION**
 17 **OF SUPPORTIVE SERVICES TO FORMERLY**
 18 **HOMELESS VETERANS RESIDING IN PERMA-**
 19 **NENT HOUSING.**

20 (a) ESTABLISHMENT OF PILOT PROGRAM.—

21 (1) IN GENERAL.—Subject to the availability of
 22 appropriations for such purpose, the Secretary of
 23 Veterans Affairs may carry out a pilot program to
 24 make grants to public and nonprofit organizations
 25 (including faith-based and community organizations)

1 to coordinate the provision of supportive services
2 available in the local community to very low income,
3 formerly homeless veterans residing in permanent
4 housing.

5 (2) NUMBER OF GRANTS.—The Secretary may
6 make grants at up to 10 qualifying properties under
7 the pilot program.

8 (b) QUALIFYING PROPERTY.—Qualifying property
9 under the pilot program is any property in the United
10 States on which permanent housing is provided or af-
11 forded to formerly homeless veterans, as determined by
12 the Secretary.

13 (c) CRITERIA FOR GRANTS.—The Secretary shall
14 prescribe criteria and requirements for grants under this
15 section and shall publish such criteria and requirements
16 in the Federal Register.

17 (d) DURATION OF PILOT PROGRAM.—The authority
18 of the Secretary to provide grants under a pilot program
19 under this section shall cease on the date that is five years
20 after the date of the commencement of the pilot program.

21 (e) VERY LOW INCOME DEFINED.—In this section,
22 the term “very low income” has the meaning given that
23 term in the Resident Characteristics Report issued annu-
24 ally by the Department of Housing and Urban Develop-
25 ment.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
 2 authorized to be appropriated from amounts made avail-
 3 able under the heading “General Operating Expenses”,
 4 not more than \$3,000,000 in each of fiscal years 2010
 5 through 2014 to carry out the purposes of this section.

6 **SEC. 503. PILOT PROGRAM ON FINANCIAL SUPPORT OF EN-**
 7 **TITIES THAT PROVIDE OUTREACH TO IN-**
 8 **FORM CERTAIN VETERANS ABOUT PENSION**
 9 **BENEFITS.**

10 (a) AUTHORITY TO MAKE GRANTS.—In addition to
 11 the outreach authority provided to the Secretary of Vet-
 12 erans Affairs by section 6303 of title 38, United States
 13 Code, the Secretary may carry out a pilot program to
 14 make grants to public and nonprofit organizations (includ-
 15 ing faith-based and community organizations) for services
 16 to provide outreach to inform low-income and elderly vet-
 17 erans and their spouses who reside in rural areas of bene-
 18 fits for which they may be eligible under chapter 15 of
 19 such title.

20 (b) CRITERIA FOR GRANTS.—The Secretary shall
 21 prescribe criteria and requirements for grants under this
 22 section and shall publish such criteria and requirements
 23 in the Federal Register.

24 (c) DURATION OF PILOT PROGRAM.—The authority
 25 of the Secretary to provide grants under a pilot program

1 under this section shall cease on the date that is five years
 2 after the date of the commencement of the pilot program.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
 4 authorized to be appropriated from amounts made avail-
 5 able under the heading “General Operating Expenses”,
 6 not more than \$1,275,000 in each of fiscal years 2010
 7 through 2014 to carry out the purposes of this section.

8 **SEC. 504. PILOT PROGRAM ON FINANCIAL SUPPORT OF EN-**
 9 **TITIES THAT PROVIDE TRANSPORTATION AS-**
 10 **SISTANCE, CHILD CARE ASSISTANCE, AND**
 11 **CLOTHING ASSISTANCE TO VETERANS ENTI-**
 12 **TLED TO A REHABILITATION PROGRAM.**

13 (a) PILOT PROGRAM AUTHORIZED.—

14 (1) IN GENERAL.—Subject to the availability of
 15 appropriations authorized under subsection (g), the
 16 Secretary of Veterans Affairs may carry out a pilot
 17 program to assess the feasibility and advisability of
 18 providing financial assistance to eligible entities to
 19 establish new programs or activities, or expand or
 20 modify existing programs or activities, to provide to
 21 each eligible transitioning individual who is entitled
 22 and eligible for a rehabilitation program under chap-
 23 ter 31 of title 38, United States Code, the following
 24 assistance:

1 (A) Transportation assistance to facilitate
2 such eligible transitioning individual's participa-
3 tion in such rehabilitation program or related
4 activity. Such assistance may include—

5 (i) providing transportation;

6 (ii) paying for or reimbursing trans-
7 portation costs; and

8 (iii) paying for or reimbursing other
9 transportation-related expenses (including
10 orientation on the use of transportation).

11 (B) Child care assistance to facilitate such
12 eligible transitioning individual's participation
13 in such rehabilitation program or related activ-
14 ity. Such assistance may include—

15 (i) child care services; or

16 (ii) reimbursement of expenses related
17 to child care.

18 (C) Clothing assistance, which may include
19 personal services in selecting, and payment of a
20 monetary allowance to cover the cost of pur-
21 chasing, clothing and accessories suitable for a
22 job interview or related activity consistent with
23 such eligible transitioning individual's participa-
24 tion in such rehabilitation program or related
25 activity.

1 (2) ELIGIBLE TRANSITIONING INDIVIDUAL.—

2 For purposes of this section, an eligible transitioning
3 individual is a person—

4 (A) described in section 3102 of title 38,
5 United States Code; or

6 (B) who was separated or released from
7 active duty in the Armed Forces on or after Oc-
8 tober 1, 2006, because of a service-connected
9 disability.

10 (b) DURATION OF PROGRAM.—The authority of the
11 Secretary to provide grants under a pilot program estab-
12 lished under subsection (a)(1) shall cease on the date that
13 is three years after the date of the commencement of the
14 pilot program.

15 (c) GRANTS.—

16 (1) IN GENERAL.—The Secretary of Veterans
17 Affairs shall carry out the pilot program through the
18 award of grants to eligible entities to establish new
19 programs or activities, or to expand or modify exist-
20 ing programs or activities, as described in subsection
21 (a)(1).

22 (2) GRANT CRITERIA.—

23 (A) IN GENERAL.—The Secretary shall es-
24 tablish criteria and requirements for grants
25 under the pilot program, including criteria for

1 eligible entities to receive such grants. The cri-
2 teria established under this subparagraph shall
3 include the following:

4 (i) Specification as to the kinds of
5 projects or activities for which grants are
6 available.

7 (ii) Specification as to the number of
8 projects or activities for which grants are
9 available.

10 (iii) Provisions to ensure that grants
11 awarded under the pilot program do not
12 result in duplication of ongoing services.

13 (B) PUBLICATION OF CRITERIA IN FED-
14 ERAL REGISTER.—The Secretary shall publish
15 the criteria and requirements established under
16 subparagraph (A) in the Federal Register.

17 (3) FUNDING LIMITATION.—A grant under the
18 pilot program may not be used to support the oper-
19 ational costs of an eligible entity.

20 (d) ELIGIBLE ENTITIES.—For purposes of this sec-
21 tion, an eligible entity is a public or nonprofit organization
22 (including a faith-based or community organization)
23 that—

1 (1) has the capacity to administer effectively a
2 grant under the pilot program, as determined by the
3 Secretary of Veterans Affairs;

4 (2) demonstrates that adequate financial sup-
5 port will be available to establish new programs or
6 activities, or to expand or modify existing programs
7 or activities, as described in subsection (a)(1) con-
8 sistent with the plans, specifications, and schedule
9 submitted by the applicant to the Secretary under
10 subsection (e)(2);

11 (3) agrees to meet the applicable criteria and
12 requirements established under subsection (c)(2) and
13 described in subsection (e)(2)(C); and

14 (4) has the capacity, as determined by the Sec-
15 retary, to meet the criteria and requirements de-
16 scribed in paragraph (3).

17 (e) SELECTION OF GRANT RECIPIENTS.—

18 (1) APPLICATION.—An eligible entity seeking a
19 grant under the pilot program shall submit to the
20 Secretary of Veterans Affairs an application therefor
21 in such form and in such manner as the Secretary
22 considers appropriate.

23 (2) ELEMENTS.—Each application submitted
24 under paragraph (1) shall include the following:

1 (A) The amount of the grant sought for
2 the project or activity.

3 (B) Plans, specifications, and the schedule
4 for implementation of the project or activity in
5 accordance with criteria and requirements pre-
6 scribed by the Secretary under subsection
7 (c)(2).

8 (C) An agreement—

9 (i) to provide the services for which
10 the grant is sought at locations accessible
11 to eligible transitioning individuals;

12 (ii) to ensure the confidentiality of
13 records maintained on eligible transitioning
14 individuals receiving services through the
15 pilot program; and

16 (iii) to establish such procedures for
17 fiscal control and fund accounting as may
18 be necessary to ensure proper disburse-
19 ment and accounting with respect to the
20 grant and to such payments as may be
21 made under this section.

22 (3) APPLICANT AGREEMENT.—The Secretary
23 may not select an eligible entity for a grant under
24 the pilot program unless the eligible entity agrees to
25 the provisions listed in paragraph (2)(C).

1 (f) RECOVERY OF UNUSED GRANT AMOUNTS.—

2 (1) IN GENERAL.—The United States shall be
3 entitled to recover from a grant recipient under this
4 section the total of all unused grant amounts made
5 under this section to such recipient in connection
6 with such program if such grant recipient—

7 (A) does not establish a program or activ-
8 ity in accordance with this section; or

9 (B) ceases to furnish services under such
10 a program for which the grant was made.

11 (2) OBLIGATION.—Any amount recovered by
12 the United States under paragraph (1) may be obli-
13 gated by the Secretary of Veterans Affairs without
14 fiscal year limitation to carry out provisions of this
15 section.

16 (3) LIMITATION ON RECOVERY.—An amount
17 may not be recovered under paragraph (1)(A) as an
18 unused grant amount before the end of the three-
19 year period beginning on the date on which the
20 grant is made.

21 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated from amounts made avail-
23 able under the heading “General Operating Expenses”,
24 not more than \$5,000,000 in each of fiscal years 2010
25 through 2012 to carry out this section.

1 **SEC. 505. ASSESSMENT OF PILOT PROGRAMS.**

2 (a) PROGRESS REPORTS.—Not less than one year be-
3 fore the expiration of the authority to carry out a pilot
4 program authorized by sections 501 through 504, the Sec-
5 retary of Veterans Affairs shall submit to Congress a
6 progress report on such pilot program.

7 (b) CONTENTS.—Each progress report submitted for
8 a pilot program under subsection (a) shall include the fol-
9 lowing:

10 (1) The lessons learned by the Secretary of Vet-
11 erans Affairs with respect to such pilot program that
12 can be applied to other programs with similar pur-
13 poses.

14 (2) The recommendations of the Secretary on
15 whether to continue such pilot program.

16 (3) The number of veterans and dependents
17 served by such pilot program.

18 (4) An assessment of the quality of service pro-
19 vided to veterans and dependents under such pilot
20 program.

21 (5) The amount of funds provided to grant re-
22 cipients under such pilot program.

23 (6) The names of organizations that have re-
24 ceived grants under such pilot program.

1 **TITLE VI—NONPROFIT RE-**
 2 **SEARCH AND EDUCATION**
 3 **CORPORATIONS**

4 **SEC. 601. GENERAL AUTHORITIES ON ESTABLISHMENT OF**
 5 **CORPORATIONS.**

6 (a) AUTHORIZATION OF MULTI-MEDICAL CENTER
 7 RESEARCH CORPORATIONS.—

8 (1) IN GENERAL.—Section 7361 is amended—

9 (A) by redesignating subsection (b) as sub-
 10 section (e); and

11 (B) by inserting after subsection (a) the
 12 following new subsection (b):

13 “(b)(1) Subject to paragraph (2), a corporation es-
 14 tablished under this subchapter may facilitate the conduct
 15 of research, education, or both at more than one medical
 16 center. Such a corporation shall be known as a ‘multi-med-
 17 ical center research corporation’.

18 “(2) The board of directors of a multi-medical center
 19 research corporation under this subsection shall include
 20 the official at each Department medical center concerned
 21 who is, or who carries out the responsibilities of, the med-
 22 ical center director of such center as specified in section
 23 7363(a)(1)(A)(i) of this title.

24 “(3) In facilitating the conduct of research, edu-
 25 cation, or both at more than one Department medical cen-

1 ter under this subchapter, a multi-medical center research
 2 corporation may administer receipts and expenditures re-
 3 lating to such research, education, or both, as applicable,
 4 performed at the Department medical centers concerned.”.

5 (2) EXPANSION OF EXISTING CORPORATIONS TO
 6 MULTI-MEDICAL CENTER RESEARCH CORPORA-
 7 TIONS.—Such section is further amended by adding
 8 at the end the following new subsection:

9 “(f) A corporation established under this subchapter
 10 may act as a multi-medical center research corporation
 11 under this subchapter in accordance with subsection (b)
 12 if—

13 “(1) the board of directors of the corporation
 14 approves a resolution permitting facilitation by the
 15 corporation of the conduct of research, education, or
 16 both at the other Department medical center or
 17 medical centers concerned; and

18 “(2) the Secretary approves the resolution of
 19 the corporation under paragraph (1).”.

20 (b) RESTATEMENT AND MODIFICATION OF AUTHORI-
 21 TIES ON APPLICABILITY OF STATE LAW.—

22 (1) IN GENERAL.—Section 7361, as amended
 23 by subsection (a) of this section, is further amended
 24 by inserting after subsection (b) the following new
 25 subsection (c):

1 “(c) Any corporation established under this sub-
 2 chapter shall be established in accordance with the non-
 3 profit corporation laws of the State in which the applicable
 4 Department medical center is located and shall, to the ex-
 5 tent not inconsistent with any Federal law, be subject to
 6 the laws of such State. In the case of any multi-medical
 7 center research corporation that facilitates the conduct of
 8 research, education, or both at Department medical cen-
 9 ters located in different States, the corporation shall be
 10 established in accordance with the nonprofit corporation
 11 laws of the State in which one of such Department medical
 12 centers is located.”.

13 (2) CONFORMING AMENDMENT.—Section 7365
 14 is repealed.

15 (c) CLARIFICATION OF STATUS OF CORPORATIONS.—
 16 Section 7361, as amended by this section, is further
 17 amended—

18 (1) in subsection (a), by striking the second
 19 sentence; and

20 (2) by inserting after subsection (c) the fol-
 21 lowing new subsection (d):

22 “(d)(1) Except as otherwise provided in this sub-
 23 chapter or under regulations prescribed by the Secretary,
 24 any corporation established under this subchapter, and its
 25 officers, directors, and employees, shall be required to

1 comply only with those Federal laws, regulations, and ex-
 2 ecutive orders and directives that apply generally to pri-
 3 vate nonprofit corporations.

4 “(2) A corporation under this subchapter is not—

5 “(A) owned or controlled by the United States;

6 or

7 “(B) an agency or instrumentality of the

8 United States.”.

9 (d) REINSTATEMENT OF REQUIREMENT FOR
 10 501(c)(3) STATUS OF CORPORATIONS.—Subsection (e) of
 11 section 7361, as redesignated by subsection (a)(1) of this
 12 section, is further amended by inserting “section
 13 501(c)(3) of” after “exempt from taxation under”.

14 **SEC. 602. CLARIFICATION OF PURPOSES OF CORPORA-**
 15 **TIONS.**

16 (a) CLARIFICATION OF PURPOSES.—Subsection (a)
 17 of section 7362 is amended—

18 (1) in the first sentence—

19 (A) by striking “Any corporation” and all
 20 that follows through “facilitate” and inserting

21 “A corporation established under this sub-
 22 chapter shall be established to provide a flexible
 23 funding mechanism for the conduct of approved
 24 research and education at one or more Depart-

1 ment medical centers and to facilitate functions
2 related to the conduct of”; and

3 (B) by inserting before the period at the
4 end the following: “or centers”; and

5 (2) in the second sentence, by inserting “or cen-
6 ters” after “at the medical center”.

7 (b) MODIFICATION OF DEFINED TERM RELATING TO
8 EDUCATION AND TRAINING.—Subsection (b) of such sec-
9 tion is amended in the matter preceding paragraph (1)
10 by striking “the term ‘education and training’” and in-
11 serting “the term ‘education’ includes education and train-
12 ing and”.

13 (c) REPEAL OF ROLE OF CORPORATIONS WITH RE-
14 SPECT TO FELLOWSHIPS.—Paragraph (1) of subsection
15 (b) of such section is amended by striking the flush matter
16 following subparagraph (C).

17 (d) AVAILABILITY OF EDUCATION FOR FAMILIES OF
18 VETERAN PATIENTS.—Paragraph (2) of subsection (b) of
19 such section is amended by striking “to patients and to
20 the families” and inserting “and includes education and
21 training for patients and families”.

1 **SEC. 603. MODIFICATION OF REQUIREMENTS FOR BOARDS**
 2 **OF DIRECTORS OF CORPORATIONS.**

3 (a) REQUIREMENTS FOR DEPARTMENT BOARD MEM-
 4 BERS.—Paragraph (1) of section 7363(a) is amended to
 5 read as follows:

6 “(1) with respect to the Department medical
 7 center—

8 “(A)(i) the director (or directors of each
 9 Department medical center, in the case of a
 10 multi-medical center research corporation);

11 “(ii) the chief of staff; and

12 “(iii) as appropriate for the activities of
 13 such corporation, the associate chief of staff for
 14 research and the associate chief of staff for
 15 education; or

16 “(B) in the case of a Department medical
 17 center at which one or more of the positions re-
 18 ferred to in subparagraph (A) do not exist, the
 19 official or officials who are responsible for car-
 20 rying out the responsibilities of such position or
 21 positions at the Department medical center;
 22 and”.

23 (b) REQUIREMENTS FOR NON-DEPARTMENT BOARD
 24 MEMBERS.—Paragraph (2) of such section is amended—

25 (1) by inserting “not less than two” before
 26 “members”; and

1 (2) by striking “and who” and all that follows
 2 through the period at the end and inserting “and
 3 who have backgrounds, or business, legal, financial,
 4 medical, or scientific expertise, of benefit to the op-
 5 erations of the corporation.”.

6 (c) CONFLICTS OF INTEREST.—Subsection (c) of sec-
 7 tion 7363 is amended by striking “, employed by, or have
 8 any other financial relationship with” and inserting “or
 9 employed by”.

10 **SEC. 604. CLARIFICATION OF POWERS OF CORPORATIONS.**

11 (a) IN GENERAL.—Section 7364 is amended to read
 12 as follows:

13 **“§ 7364. General powers**

14 “(a) IN GENERAL.—(1) A corporation established
 15 under this subchapter may, solely to carry out the pur-
 16 poses of this subchapter—

17 “(A) accept, administer, retain, and spend
 18 funds derived from gifts, contributions, grants, fees,
 19 reimbursements, and bequests from individuals and
 20 public and private entities;

21 “(B) enter into contracts and agreements with
 22 individuals and public and private entities;

23 “(C) subject to paragraph (2), set fees for edu-
 24 cation and training facilitated under section 7362 of

1 this title, and receive, retain, administer, and spend
 2 funds in furtherance of such education and training;

3 “(D) reimburse amounts to the applicable ap-
 4 propriation account of the Department for the Office
 5 of General Counsel for any expenses of that Office
 6 in providing legal services attributable to research
 7 and education agreements under this subchapter;
 8 and

9 “(E) employ such employees as the corporation
 10 considers necessary for such purposes and fix the
 11 compensation of such employees.

12 “(2) Fees charged under paragraph (1)(C) for edu-
 13 cation and training described in that paragraph to individ-
 14 uals who are officers or employees of the Department may
 15 not be paid for by any funds appropriated to the Depart-
 16 ment.

17 “(3) Amounts reimbursed to the Office of General
 18 Counsel under paragraph (1)(D) shall be available for use
 19 by the Office of the General Counsel only for staff and
 20 training, and related travel, for the provision of legal serv-
 21 ices described in that paragraph and shall remain available
 22 for such use without fiscal year limitation.

23 “(b) TRANSFER AND ADMINISTRATION OF FUNDS.—
 24 (1) Except as provided in paragraph (2), any funds re-
 25 ceived by the Secretary for the conduct of research or edu-

1 cation at a Department medical center or centers, other
2 than funds appropriated to the Department, may be trans-
3 ferred to and administered by a corporation established
4 under this subchapter for such purposes.

5 “(2) A Department medical center may reimburse the
6 corporation for all or a portion of the pay, benefits, or
7 both of an employee of the corporation who is assigned
8 to the Department medical center if the assignment is car-
9 ried out pursuant to subchapter VI of chapter 33 of title
10 5.

11 “(3) A Department medical center may retain and
12 use funds provided to it by a corporation established under
13 this subchapter. Such funds shall be credited to the appli-
14 cable appropriation account of the Department and shall
15 be available, without fiscal year limitation, for the pur-
16 poses of that account.

17 “(c) RESEARCH PROJECTS.—Except for reasonable
18 and usual preliminary costs for project planning before its
19 approval, a corporation established under this subchapter
20 may not spend funds for a research project unless the
21 project is approved in accordance with procedures pre-
22 scribed by the Under Secretary for Health for research
23 carried out with Department funds. Such procedures shall
24 include a scientific review process.

1 “(d) EDUCATION ACTIVITIES.—Except for reason-
 2 able and usual preliminary costs for activity planning be-
 3 fore its approval, a corporation established under this sub-
 4 chapter may not spend funds for an education activity un-
 5 less the activity is approved in accordance with procedures
 6 prescribed by the Under Secretary for Health.

7 “(e) POLICIES AND PROCEDURES.—The Under Sec-
 8 retary for Health may prescribe policies and procedures
 9 to guide the spending of funds by corporations established
 10 under this subchapter that are consistent with the purpose
 11 of such corporations as flexible funding mechanisms and
 12 with Federal and State laws and regulations, and execu-
 13 tive orders, circulars, and directives that apply generally
 14 to the receipt and expenditure of funds by nonprofit orga-
 15 nizations exempt from taxation under section 501(c)(3) of
 16 the Internal Revenue Code of 1986.”.

17 (b) CONFORMING AMENDMENT.—Section 7362(a), as
 18 amended by section 602(a)(1) of this Act, is further
 19 amended by striking the last sentence.

20 **SEC. 605. REDESIGNATION OF SECTION 7364A OF TITLE 38,**
 21 **UNITED STATES CODE.**

22 (a) REDESIGNATION.—Section 7364A is redesignated
 23 as section 7365.

24 (b) CLERICAL AMENDMENTS.—The table of sections
 25 at the beginning of chapter 73 is amended—

1 (1) by striking the item relating to section
2 7364A; and

3 (2) by striking the item relating to section 7365
4 and inserting the following new item:

“7365. Coverage of employees under certain Federal tort claims laws.”.

5 **SEC. 606. IMPROVED ACCOUNTABILITY AND OVERSIGHT OF**
6 **CORPORATIONS.**

7 (a) ADDITIONAL INFORMATION IN ANNUAL RE-
8 PORTS.—Subsection (b) of section 7366 is amended to
9 read as follows:

10 “(b)(1) Each corporation shall submit to the Sec-
11 retary each year a report providing a detailed statement
12 of the operations, activities, and accomplishments of the
13 corporation during that year.

14 “(2)(A) A corporation with revenues in excess of
15 \$300,000 for any year shall obtain an audit of the cor-
16 poration for that year.

17 “(B) A corporation with annual revenues between
18 \$10,000 and \$300,000 shall obtain an audit of the cor-
19 poration at least once every three years.

20 “(C) Any audit under this paragraph shall be per-
21 formed by an independent auditor.

22 “(3) The corporation shall include in each report to
23 the Secretary under paragraph (1) the following:

24 “(A) The most recent audit of the corporation
25 under paragraph (2).

1 “(B) The most recent Internal Revenue Service
2 Form 990 ‘Return of Organization Exempt from In-
3 come Tax’ or equivalent and the applicable schedules
4 under such form.”.

5 (b) CONFIRMATION OF APPLICATION OF CONFLICT
6 OF INTEREST REGULATIONS TO APPROPRIATE CORPORA-
7 TION POSITIONS.—Subsection (c) of such section is
8 amended—

9 (1) by striking “laws and” each place it ap-
10 pears;

11 (2) in paragraph (1)—

12 (A) by inserting “each officer and” after
13 “under this subchapter,”; and

14 (B) by striking “, and each employee of
15 the Department” and all that follows through
16 “during any year”; and

17 (3) in paragraph (2)—

18 (A) by inserting “, officer,” after
19 “verifying that each director”; and

20 (B) by striking “in the same manner” and
21 all that follows before the period at the end.

22 (c) ESTABLISHMENT OF APPROPRIATE PAYEE RE-
23 PORTING THRESHOLD.—Subsection (d)(3)(C) of such sec-
24 tion is amended by striking “\$35,000” and inserting
25 “\$50,000”.

**TITLE VII—MISCELLANEOUS
PROVISIONS**

**SEC. 701. EXPANSION OF AUTHORITY FOR DEPARTMENT OF
VETERANS AFFAIRS POLICE OFFICERS.**

Section 902 is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

“(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property—

“(A) enforce Federal laws;

“(B) enforce the rules prescribed under section 901 of this title;

“(C) enforce traffic and motor vehicle laws of a State or local government (by issuance of a citation for violation of such laws) within the jurisdiction of which such Department property is located as authorized by an express grant of authority under applicable State or local law;

“(D) carry the appropriate Department-issued weapons, including firearms, while off Department property in an official capacity or while in an official travel status;

1 “(E) conduct investigations, on and off
2 Department property, of offenses that may have
3 been committed on property under the original
4 jurisdiction of Department, consistent with
5 agreements or other consultation with affected
6 local, State, or Federal law enforcement agen-
7 cies; and

8 “(F) carry out, as needed and appropriate,
9 the duties described in subparagraphs (A)
10 through (E) of this paragraph when engaged in
11 duties authorized by other Federal statutes.”;

12 (B) by striking paragraph (2) and redesign-
13 ating paragraph (3) as paragraph (2); and

14 (C) in paragraph (2), as redesignated by
15 subparagraph (B) of this paragraph, by insert-
16 ing “, and on any arrest warrant issued by
17 competent judicial authority” before the period;
18 and

19 (2) by amending subsection (c) to read as fol-
20 lows:

21 “(c) The powers granted to Department police offi-
22 cers designated under this section shall be exercised in ac-
23 cordance with guidelines approved by the Secretary and
24 the Attorney General.”.

1 **SEC. 702. UNIFORM ALLOWANCE FOR DEPARTMENT OF**
2 **VETERANS AFFAIRS POLICE OFFICERS.**

3 Section 903 is amended—

4 (1) by amending subsection (b) to read as fol-
5 lows:

6 “(b)(1) The amount of the allowance that the Sec-
7 retary may pay under this section is the lesser of—

8 “(A) the amount currently allowed as pre-
9 scribed by the Office of Personnel Management; or

10 “(B) estimated costs or actual costs as deter-
11 mined by periodic surveys conducted by the Depart-
12 ment.

13 “(2) During any fiscal year no officer shall receive
14 more for the purchase of a uniform described in subsection
15 (a) than the amount established under this subsection.”;
16 and

17 (2) by striking subsection (c) and inserting the
18 following new subsection (c):

19 “(c) The allowance established under subsection (b)
20 shall be paid at the beginning of a Department police offi-
21 cer’s employment for those appointed on or after October
22 1, 2008. In the case of any other Department police offi-
23 cer, an allowance in the amount established under sub-
24 section (b) shall be paid upon the request of the officer.”.

○